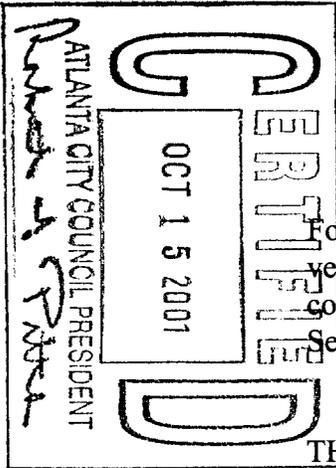


Entered -04-10-00 - sb
CL 00L0207 - GWENDOLYN BURNS

01-R-1590

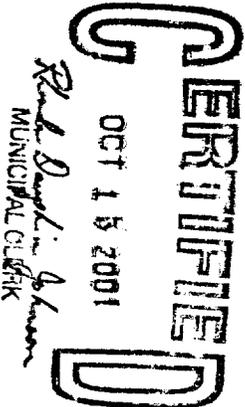
CLAIM OF:

JANICE BROWN
through her attorney,
Stephen D. Apolinsky, Esq.
EASTMAN & APOLINSKY
The Watkins Building
114 East Ponce de Leon Avenue
Decatur, Georgia 30030



For bodily injuries alleged to have been sustained when the vehicle in which she traveled in was driven over a sanitary sewer construction site that was not properly covered in the roadway on September 25, 1999 at 934 Custer Avenue, SE.

THIS ADVERSED REPORT IS APPROVED



BY: Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSE REPORT

CERTIFIED OCT 15 2001

COMM: Public Safety

DATE: OCT 0 2001

CHAIR: C.T. Martin

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 24, 2001

Stephen D. Apolinsky
Attorney at Law
Eastman & APolinsky
114 East Ponce de Leon Ave.
The Watkins Building
Decatur, GA 30030

01-R-1590

RE: Janice Brown

Dear Attorney Apolinsky:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0207

Date: September 25, 2001

Claimant /Victim JANICE BROWN
BY: (Atty) (Ins. Co.) Stephen D. Apolinsky, Esq., EASTMAN & APOLINSKY
Address: The Watkins Building, 114 East Ponce de Leon Avenue, Decatur, Georgia 30030
Subrogation: Claim for Property damage \$ Bodily Injury \$ 16,881.00
Date of Notice: 4/3/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/25/99 Place: 934 Custer Avenue
Department PUBLIC WORKS Bureau: Division Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when the vehicle in which she traveled in was driven over a metal plate that was partially covering a sanitary sewer construction site in the roadway. However, the claimant has filed a lawsuit to resolve the issues of this claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,
Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 09-26-01
Committee Action: Council Action

RCS# 3186
10/15/01
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE
01-R-1590

Unfavorable Claims; Items #6-#23,
#26 & #27
ADVERSE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE