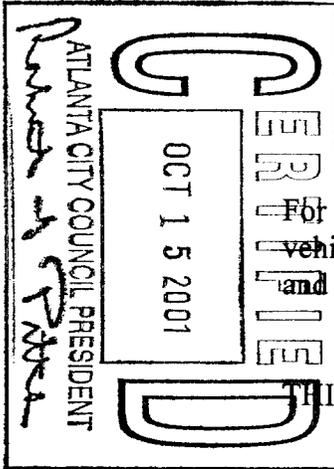


Entered - 7-17-01- sb
CL - 01L0454 ALEXIS HOLMES

01- R-1613

CLAIM OF: **GLORIA TERRELL AS MOTHER AND
GUARDIAN OF CARMEN TERRELL**

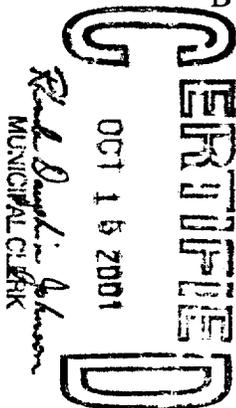
Through her attorney
Ralph E. Hughes
Suite 720 Commerce Plaza
755 Commerce Drive
Decatur, Georgia 30030



For bodily injuries alleged to have been sustained as a result of a
vehicular accident on April 28, 2001 at Martin Luther King, Jr. Drive
and Harlan Road SW.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY Robert N. C. J. DCA



APPROVED
CITY CLERK OCT 15 2001

ADVERSE REPORT

COMM: P. S. L. A.
DATE: OCT 09 2001

CHAIR: C. E. Miller

[Signature]
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

October 25, 2001

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

Ralph E. Hughes
Attorney at Law
755 Commerce Drive
Suite 720 Commerce Plaza
Decatur, Georgia 30030

01-R-1613

RE: Gloria Terrell as Mother and Guardian
of Carmen Terrell

Dear Attorney Hughes:

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. 01L0454

Date: 9/24/01

Claimant /Victim GLORIA TERRELL AS MOTHER AND GUARDIAN OF CARMEN TERRELL

BY: (Atty)(Ins.) Ralph E. Hughes

Address: Suite 720 Commerce Plaza 755 Commerce Drive, Decatur, Georgia 30030

Subrogation: Claim for Property damage \$ Bodily Injury \$ Undetermined

Date of Notice: 7/18/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 4/28/01 Place: Martin Luther King, Jr. Drive at Harland Road SW

Department Police Division: FOD

Employee involved Officer Fred Wesley Scott Disciplinary Action: Cleared by arrest

NATURE OF CLAIM: The claimant's guardian alleges that the claimant sustained extensive injuries when her vehicle was struck by a City vehicle driven by a police officer in the process of responding to an emergency call and operating blue light and siren. In an investigation by the City's Hit and Run Unit, it was determined that the City driver was not in violation of any traffic offenses or City policies and/or procedures. Also, the claimant was found in violation of a traffic offense when she failed to yield to an emergency vehicle. Furthermore, the City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Other X Written X Oral

Pictures X Diagrams X Reports: Police X Dept Report X Other X

Traffic citations issued: City Driver Claimant Driver X

Citation disposition: City Driver Claimant Driver Pending

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 09-25-01

Committee Action: Council Action

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

Atlanta City Council

Regular Session

MULTIPLE
0-R-1613

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