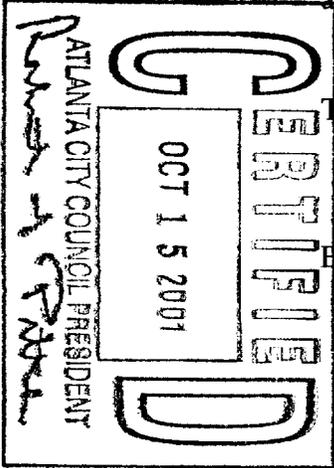


Entered - 7-9-01- sb
CL - 01L0438 ALEXIS HOLMES

CLAIM OF: **SAMAIYAH T. KING**
999 Fox Valley Trail
Stone Mountain, Georgia 30088

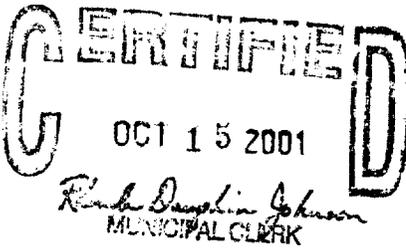
01- *R* - 1627

For vehicular damages alleged to have been sustained as a result of a vehicle incident on April 3, 2001 through May 30, 2001 at I-20 West and Martin Luther King, Jr. Drive.



THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



CITY COUNCIL OCT 15 2001

ADVERSE REPORT

COMM *R. S. A.*

DATE OCT 09 2001

CHAIR *C. T. M. A.*

Carla F. S. L.

Wood



**CITY OF ATLANTA
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 17, 2001

Samaiyah T. King
999 Fox Valley Trail
Stone Mountain, Ga 30088

01-R-1627

Dear Ms. King:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 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. 01L0438

Date: 9/19/01

Claimant /Victim SAMAIYAH T. KING
BY: (Atty)(Ins.)
Address: 999 Fox Valley Trail, Stone Mountain Georgia 30088
Subrogation: Claim for Property damage \$ 500.00 Bodily Injury \$
Date of Notice: 6/18/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 4/30/01 - 5/30/01 Place: I-20 West and Martin Luther King, Jr. Drive
Department Police Division: Special Operations
Employee involved Investigator T.L. Allen Disciplinary Action: None taken

NATURE OF CLAIM: The claimant alleges that she sustained damages when her vehicle was stolen and left sitting on the highway. The City had the claimant's vehicle impounded because of a false VIN plate and license tag. Also, the claimant alleges that the City broke the windshield after her vehicle was recovered. In an investigation it was determined that the windshield was already damaged in area of the VIN plate, and the detective made a hole at the same location to remove the phony VIN plate. Further 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 X Other X Written X Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

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 09-21-01
Committee Action: Council Action

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

Atlanta City Council

Regular Session

MULTIPLE
01-R-1627

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