

Entered -03-29-00 - sb
CL 00L0190 - GWENDOLYN BURNS

01- R-1629

CLAIM OF:

JOHNNY BARNES
through his attorney,
D. Kevin Wheeler, Esq.
WHEELER & WATSON, P.C.
5180 Roswell Road
South Building, Suite 203
Atlanta, Georgia 30342

For bodily injuries alleged to have been sustained when the vehicle in which he 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

FILED BY
CITY COUNCIL
OCT 15 2001

Standing committees
AGENDA

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

File
~~ADVERSE REPORT~~

DATE OCT 15 2001

BY C. T. [Signature]

[Signature]
[Signature]

CERTIFIED
OCT 15 2001

[Signature]
DEPUTY MUNICIPAL CLERK

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0190

Date: September 25, 2001

Claimant /Victim JOHNNY BARNES
BY: (Atty) (Ins. Co.) D. Kevin Wheeler, Esq., WHEELER & WATSON, P.C.
Address: 5180 Roswell Road, South Building, Suite 203, Atlanta, Georgia 30342
Subrogation: Claim for Property damage \$ Bodily Injury \$ 100,000.00
Date of Notice: 3/23/00 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 he sustained bodily injuries when the vehicle in which he 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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

RCS# 3188
10/15/01
3:57 PM

Atlanta City Council

Regular Session

MULTIPLE

Claims: 01-R-1629 & 01-R-1630

FILE

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

MULTIPLE