

ADVERSED BY
CITY COUNCIL DEC 03 2001

Standing committees
AGENDA

Entered -10-08-01 - sb
CL 01L0630 - GWENDOLYN BURNS

CLAIM OF:

BENJAMIN EDENFIELD
2302 Briarcliff Gables Circle
Atlanta, Georgia 30329

01-R-1949

For vehicular damages alleged to have been sustained from an automobile accident on July 30, 2001 at Pryor Street, SW & Tennessee Street, SW

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ATLANTA CITY COURT REPORT
DEC 3 2001

CERTIFIED
DEC 03 2001

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____
CHAIR: _____

DEPUTY MUNICIPAL CLERK



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

December 3, 2001

Benjamin Edenfield
2302 Briarcliff Gables Circle
Atlanta, GA 30329

01-R-1949

Dear Mr Edenfield:

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 December 03, 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.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0630

Date: October 30, 2001

Claimant /Victim BENJAMIN EDENFIELD
BY: (Atty) (Ins. Co.)
Address: 2302 Briarcliff Gables Circle, Atlanta, Georgia 30329
Subrogation: Claim for Property damage \$ 1,251.19 Bodily Injury \$
Date of Notice: 10/8/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/30/01 Place: Pryor Street SW & Tennessee Street, SW
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Brian K. Bigby isciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when it was backed into by a flatbed trailer. However, an investigation determined that the Claimant contributed to the accident by parking in a construction area and "failing to yield to a construction vehicle".

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
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 X City Negligent X Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 11-15-01
Committee Action: Council Action

RCS# 3389
12/04/01
1:15 AM

Atlanta City Council

Regular Session

#13) 01-R-1947

#14) 01-R-1948

#15) 01-R-1949

#16) 01-R-1950

#17) 01-R-1951

#18) 01-R-1952

#20) 01-R-1960

#21) 01-R-1961

#22) 01-R-1962

MULTIPLE

Unfavorable Claims: #13 through #22
Except #19
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

NV McCarty
Y Starnes
Y Bond
Y Winslow

NV Dorsey
Y Woolard
NV Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

NV Thomas
Y Emmons
Y Alexander
NV Pitts

MULTIPLE