

ADVERSE REPORT
CITY COUNCIL
DEC 03 2001

Standing committees
AGENDA

Entered - 05/21/99 - sb
CL99L0303 - DIANNE C. MITCHELL

01-R-1961

CLAIM OF: **CONOCO, INC.,**
through its attorney,
Dan Diffley
Alston and Bird
1201 West Peachtree Street
Atlanta, Georgia 30309-3424

For damages alleged to have been sustained as a result of a vehicular
accident on March 13, 1999 at 3000 Moreland Avenue.

THIS ADVERSED REPORT IS APPROVED

AT A PUBLIC HEARING HELD AT THE CITY CLERK'S OFFICE
ON DECEMBER 3, 2001
BY THE CITY CLERK
Diane C. Mitchell

CERTIFIED
DEC 03 2001

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPUTY MUNICIPAL CLERK
Diane C. Mitchell

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

December 6, 2001

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

Dan Diffley
Attorney at Law
1201 West Peachtree Street
Atlanta, GA 30309-3424

01-R-1961

RE: Conoco, INC.

Dear Attorney Diffley:

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 January 03, 2000. 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. 99L0303

Date: November 15, 2001

Claimant /Victim CONOCO, INC.
BY: (Atty) Dan Diffley
Address: 1201 West Peachtree Street, Atlanta, Georgia 30309-3424
Subrogation: Claim for Property damage \$ 11,905.00 Bodily Injury \$
Date of Notice: 05/12/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/13/99 Place: 3000 Moreland Avenue
Department Public Works Division: Solid Waste Services
Employee involved Kaheem Hadid Disciplinary Action: Dismissed

NATURE OF CLAIM: The City employee was driving a City front-end loader garbage truck with the forks up, drove into the claimant's gas station and struck the canopy and supports causing the canopy to collapse. The claimant has rejected the City's settlement offer.

INVESTIGATION:

Statements: City employee Claimant Others Written 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 Damages reasonable
City not involved Offer rejected X Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Dianne C. Mitchell 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	NV Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE