

Entered - 12/04/01 - sb
CL01L0761 - DIANNE C. MITCHELL

02-R-0018

CLAIM OF: **METLIFE AUTO AND HOME**
as subrogee of **MOSES KARTER**
P. O. Box 668
Warwick, Rhode Island 02887

For damages alleged to have been sustained as a result of a vehicular accident on March 26, 2001 at 2760 Peachtree Road, NE.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
JAN 22 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
JAN 22 2002
Ronald D. ...
MUNICIPAL CLERK

ADVERSE REPORT

COMM P.S.L.A.

DATE 1-15-02

CHIEF _____

[Signature]

[Signature]

C. T. Martin

ADMITTED JAN 22 2002



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 29, 2002

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

Metlife Auto and Home as
subrogge of Mosses Karter
Claim No: CHA44383 WT
P.O. Box 668
Warwick, Rhode Island 02887

02-R-0018

Dear Sir /Madam:

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 January 22, 2002. 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. 01L0761

Date: December 10, 2001

Claimant /Victim METLIFE AUTO AND HOME as subrogee of MOSES KARTER

BY: (Atty)(Ins. Co.)

Address: P. O. Box 668, Warwick, Rhode Island 02887

Subrogation: X Claim for Property damage \$ Not Stated Bodily Injury \$

Date of Notice: 11/26/01 Method: Written, proper X Improper

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

Date of Occurrence 03/26/01 Place: 2760 Peachtree Road, NE

Department Fire Division:

Employee involved John Williams Disciplinary Action: Defensive Driving School

NATURE OF CLAIM: The operator of the City vehicle was operating the fire vehicle with both sirens and lights in operation. The City driver had stopped at a red light and was proceeding through the intersection when the driver of another vehicle failed to yield right-of-way to the emergency vehicle causing the collision with the Fire vehicle, the claimant's vehicle and the other vehicle. The investigation found no negligence on the part of the City employee in causing the accident. Additionally, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

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 X 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,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Handwritten signature] Concur/date 12-10-01

Committee Action: Council Action

RCS# 3405
1/22/02
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

01/22/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSED ON
CONSENT AGENDA**

17. 02-R-0011
 18. 02-R-0012
 19. 02-R-0013
 20. 02-R-0014
 21. 02-R-0015
 22. 02-R-0016
 23. 02-R-0017
 24. 02-R-0018
 25. 02-R-0019
 26. 02-R-0020
 27. 02-R-0021
 28. 02-R-0022
 29. 02-R-0023
 30. 02-R-0024
 31. 02-R-0025
 32. 02-R-0026
 33. 02-R-0027
 34. 02-R-0028
 35. 02-R-0029
 36. 02-R-0030
 37. 02-R-0098
 38. 02-R-0099
 39. 02-R-0100
 40. 02-R-0101
 41. 02-R-0102
 42. 02-R-0103
-