

02-R-0019

Entered - 12/11/01 - sb
CL01L0777 - DIANNE C. MITCHELL

CLAIM OF: **VIRGIE HARRIS, LEE HARRIS
AND JULIAN HARRIS,**
through their attorney,
John D. Christy
P. O. Box 1234
Perry, Georgia 31069

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
JAN 22 2002
Carole W. Hoofland

For damages alleged to have been sustained as a result of a vehicular accident on July 5, 2001 at 6000 North Terminal Road.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: *Rosalind R. Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
JAN 22 2002
Renee Darden
MUNICIPAL CLERK

ADVERSE REPORT

COMM: *P.S.L.A.*

DATE: *1-15-02*

CHAIR

Hand D...

John D. Christy

C. T. Martin



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

January 29, 2002

John D. Christy
Attorney at Law
P.O. Box 1234
Perry, Georgia 31069

02-R-0019

RE: Virgie Harris, Lee Harris & Julian
Harris

Dear Attorney Christy:

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 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0777

Date: December 14, 2001

Claimant /Victim VIRGIE HARRIS, LEE HARRIS AND JULIAN HARRIS

BY: (Atty) John D. Christy

Address: P. O. Box 1234, Perry, Georgia 31069

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

Date of Notice: 12/11/01 Method: Written, proper X Improper

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

Date of Occurrence 07/05/01 Place: 6000 North Terminal Road

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege they were injured when a private contractor struck a light pole that then fell onto the vehicle in which they were riding. The investigation determined that the operator of the back hoe was employed by a private contractor working on the Airport's Terminal Roadway Improvement Project. The claimants' attorney has been advised to pursue his clients' claims directly with the contractor.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

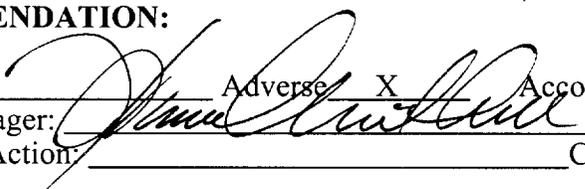
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 12-14-01

Committee Action: Council Action

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

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

**SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA**

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
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