

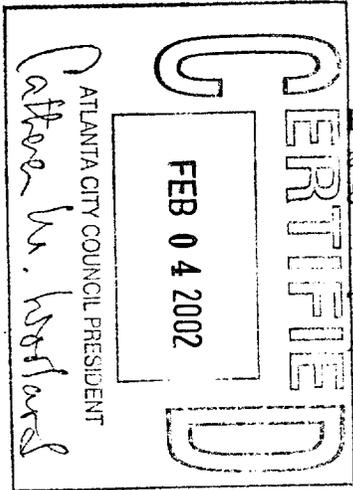
Entered -11-01-01 - sb
CL 01L0698 - GWENDOLYN BURNS

02-R-0125

CLAIM OF:

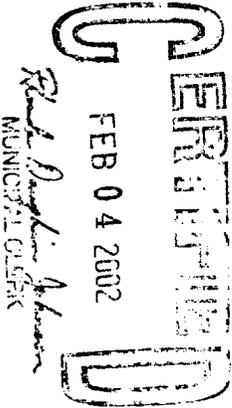
**UNITED SERVICES AUTOMOBILE
ASSOCIATION**

as subrogee of insured, Angela M. King
9800 Fredricksburg Road
San Antonio, TX 30329



For vehicular damages alleged to have been sustained from an automobile accident at on September 25, 2001 at Memorial Drive & Second Avenue, SE.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL FEB 04 2002

ADVERSE REPORT

COMM: _____

DATE: IAN 29 2002

CHAIR: _____

Clela ...

Carla Smith

...

...



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

February 11, 2002

United Service Automobile Association
as subrogee of Insured, Angela M. King
Attn: Terry A. Paradine
9800 Fredricksburg Road
San Antonio, TX 30329

02-R-0125

Dear Mr. Paradine:

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 February 4, 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. 01L0698

Date: January 15, 2002

Claimant /Victim ANGELA M. KING
BY: (Atty) (Ins. Co.) USAA
Address: 9800 Fredericksburg Road, San Antonio, TX , Atlanta, Georgia 30329
Subrogation: X Claim for Property damage \$ 2,121.35 Bodily Injury \$
Date of Notice: 10/29/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 9/25/01 Place: Memorial Drive & Second Avenue, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Eric Fair Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when it collided with a herbie curbie. However, an investigation determined that the Claimant's vehicle caused the accident when it was driven too close to the sanitation truck and struck the herbie curbie as it was being lowered to the street by the mechanical flipper.

INVESTIGATION:

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

Respectfully submitted,

[Signature]
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 01-17-02
Committee Action Council Action

RCS# 3449
2/04/02
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;
02-R-0005;02-O-0006;02-R-0193;02-R-0105
ADOPT

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

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	NV 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

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0105
02-R-0193

CORRECTED COPY

CONSENT I

02/04/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON
CONSENT AGENDA**

15. 02-R-0117
 16. 02-R-0118
 17. 02-R-0119
 18. 02-R-0120
 19. 02-R-0121
 20. 02-R-0122
 21. 02-R-0123
 22. 02-R-0124
 23. 02-R-0125
 24. 02-R-0126
 25. 02-R-0127
 26. 02-R-0128
 27. 02-R-0129
 28. 02-R-0130
 29. 02-R-0131
 30. 02-R-0132
 31. 02-R-0133
 32. 02-R-0134
 33. 02-R-0135
 34. 02-R-0136
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