

Entered -11-27-01 - sb  
CL 01L0749 - GWENDOLYN BURNS

02- R-0309

CLAIM OF:

**KEN MORRISON, individually and his  
capacity as a representative of the Estate of  
Josephine Morrison, deceased  
through his attorney  
Randall F. Rogers, Esq.  
BROCK, CLAY, CALHOUN, WILSON &  
ROGERS, P.C.  
49 Atlanta Street  
Marietta, Georgia 30060**

For damages alleged to have been sustained from a vehicular  
accident on May 12, 2001 at Glenridge Drive & Interstate 285.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

COUNCIL AGENDA

### ADVERSE REPORT

COMM: \_\_\_\_\_

DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_

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ADVERSED REPORT  
CITY COUNCIL MAR 04 2002

**CERTIFIED**  
MAR 04 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodard*

**CERTIFIED**  
MAR 04 2002  
*Richard Dawson Johnson*  
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

March 14, 2002

Randall F. Rogers  
Attorney at Law  
49 Atlanta Street  
Marietta, GA 30060

02-R-0309

RE: Ken Morrison, individually and in his capacity  
as a representative of the Estate of Josephine  
Morrison deceased

Dear Attorney Rogers:

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 March 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0749

Date: January 23, 2002

Claimant /Victim KEN MORRISON, individually and in his capacity as a representative of the Estate of Josephine Morrison, deceased

BY: (Atty) (Ins. Co.) Randall F. Rogers, Esq., BROCK, CLAY, CALHOUN, WILSON & ROGERS, P.C.

Address: 49 Atlanta Street, Marietta, Georgia 30060

Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified

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

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

Date of Occurrence 5/12/01 Place: Glenridge Drive & Interstate 285

Department Division

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damages when Josephine Morrison was in an automobile collision that resulted when the vehicle in which she traveled in drove through a red light. However, an investigation determined that the City did not own or lease any of the vehicles that were involved in the collision and, thereby, is not responsible for the third party collision.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report 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 X Offer rejected Compromise settlement

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

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

Claims Manager: Concur/date 02-13-02

Committee Action: Council Action

RCS# 3550  
3/04/02  
1:31 PM

Atlanta City Council

Regular Session

CONSENT I                    Pgs.1-12;Except02-R-0348;02-R-0350;0380  
02-R-0387;02-R-0347;02-O-0364;02-O-0249  
ADOPT

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

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

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

**ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0364  
02-O-0380  
02-O-0249**

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 02-O-0370
2. 02-O-0155
3. 02-O-0200
4. 02-O-0243
5. 02-O-0374
6. 02-O-0371
7. 02-O-0372
8. 02-R-0348
9. 02-R-0350
10. 02-R-0387
11. 02-R-0199
12. 02-R-0209
13. 02-R-0353
14. 02-R-0367
15. 02-R-0383
16. 02-R-0386
17. 02-R-0327
18. 02-R-0328
19. 02-R-0329
20. 02-R-0330
21. 02-R-0331
22. 02-R-0333
23. 02-R-0334
24. 02-R-0339
25. 02-R-0325
26. 02-R-0326
27. 02-R-0345

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

28. 02-R-0203
29. 02-R-0365
30. 02-R-0315
31. 02-R-0316
32. 02-R-0317
33. 02-R-0318
34. 02-R-0319
35. 02-R-0320
36. 02-R-0321
37. 02-R-0322
38. 02-R-0323
39. 02-R-0284
40. 02-R-0285
41. 02-R-0286
42. 02-R-0287

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

43. 02-R-0288
44. 02-R-0289
45. 02-R-0290
46. 02-R-0291
47. 02-R-0292
48. 02-R-0293
49. 02-R-0294
50. 02-R-0295
51. 02-R-0296
52. 02-R-0297
53. 02-R-0298
54. 02-R-0299
55. 02-R-0301
56. 02-R-0302
57. 02-R-0303
58. 02-R-0304
59. 02-R-0305
60. 02-R-0306
61. 02-R-0307
62. 02-R-0308
63. 02-R-0309
64. 02-R-0310
65. 02-R-0311
66. 02-R-0312
67. 02-R-0313
68. 02-R-0314