

Entered - 9-14-01 - sb
CL 01L0579 ALEXIS HOLMES

02-*R*-0516

CLAIM OF: **KATHY TRUETT**
1113 Mayson Turner Drive
Atlanta, Georgia 30312

For injuries alleged to have been sustained as a result of falling into a hole at a park on August 4, 2001 at "Woodward Park."

THIS ADVERSE REPORT IS APPROVED

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

Rosalind Rubens Newell
MUNICIPAL CLERK
APR 01 2002
CERTIFIED

Debra Stiles
COUNCIL PRESIDENT PROTEM
APR 1 2002
CERTIFIED

ADVERSE BY
CITY COUNCIL APR 01 2002

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: *3/26/02*

CHAIR: *[Signature]*

[Signature]

[Signature]

[Signature]

[Signature]



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

April 18, 2002

Kathy Truett
1113 Mayson Turner Drive
Atlanta, GA 30312

02-R-0516

Dear Ms. Truett:

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 April 1, 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. 01L0579

Date: 03/15/02

Claimant /Victim KATHY TRUETT
BY: (Atty)
Address: 1113 Mayson Turner Drive Atlanta, Georgia 30312
Subrogation: Claim for Property damage \$ Bodily Injury \$ 50,000.00
Date of Notice: 09/06/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/04/01 Place: "Woodward Park"
Department PRCA Division: Parks
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she sustained injuries when she was walking through "Woodward Park" and tripped and fell into a hole in the ground. However, the claimant failed to respond to numerous attempts to contact her by phone and by mail. Therefore, the claim is deemed abandoned for failure to provide the City with adequate information to substantiate her claim.

INVESTIGATION:

Statements: City employee Claimant Other 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 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 03/05/02
Committee Action: Council Action

04/01/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0562
2. 02-O-0564
3. 02-O-0566
4. 02-O-0568
5. 02-O-0582
6. 02-O-0389
7. 02-O-0392
8. 02-O-0390
9. 02-O-0458
10. 02-O-0394
11. 02-O-0397
12. 02-O-0399
13. 02-O-0400
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15. 02-O-0402
16. 02-O-0403
17. 02-O-0404
18. 02-O-0405
19. 02-O-0408
20. 02-R-0464
21. 02-R-0494
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