

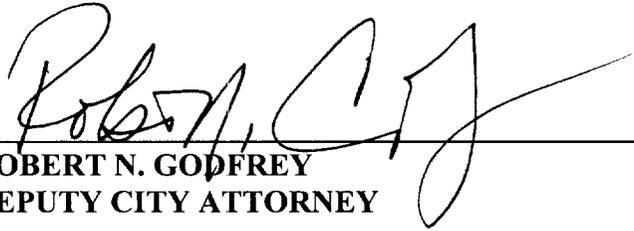
Entered - 02/21/02 - sb
CL02L0151 - DIANNE C. MITCHELL

CLAIM OF: **SHIRLEY CLEAVES**
2689 Knox Street, NE
Atlanta, Georgia 30317

02-R-0542

For damages alleged to have been sustained as a result of a fall while exiting the Five Points MARTA station on July 31, 2001.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL APR 01 2002

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/26/02

CHAR: [Signature]

[Signature]

Carla Sant

[Signature]

[Signature]

[Signature]

CERTIFIED
APR 01 2002
Rene Douglas Adams
MUNICIPAL CLERK

CERTIFIED
APR 1 2002
[Signature]
COUNCIL PRESIDENT PROTEM



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

Shirley Cleaves
2689 Knox St. NE
Atlanta, GA 30317

02-R-0542

Dear Ms. Cleaves:

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. 02L0151

Date: March 8, 2002

Claimant /Victim SHIRLEY CLEAVES

BY: (Atty)(Ins. Co.)

Address: 2689 Knox Street, NE, Atlanta, Georgia 30317

Subrogation: Claim for Property damage \$ 550.00 Bodily Injury \$ 100.00

Date of Notice: 02/21/02 Method: Written, proper X Improper

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

Date of Occurrence 07/31/01 Place: Five Points MARTA Station

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she fell while exiting the Five Points MARTA station. However, 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 Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

Improper Notice More than Six Months X Other 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager [Signature] Concur/date 03-08-02

Committee Action Council Action

RCS# 3635
4/01/02
2:42 PM

Atlanta City Council

Regular Session

CONSENT I Except;02-R-0531;02-R-0499;R-0497;R-0561
 02-R-0498;02-R-0588;02-R-0589;02-R-0513
 ADOPT

SEE ATTACHED LISTING OF ITEMS
ADOPTED/ADVERSED ON
CONSENT AGENDA

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith
Y Starnes
Y Young
Y Winslow

Y Archibong
NV Fauver
Y Shook
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Mitchell
Y Norwood
Y Willis
B Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0497
02-R-0498
02-R-0499
02-R-0513
02-R-0531
02-R-0561
02-R-0589

CORRECTED COPY

**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
14. 02-O-0401
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
22. 02-R-0495
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