

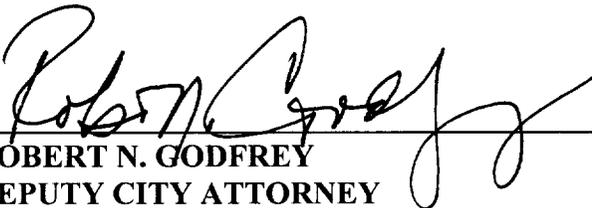
Entered - 03/20/02 - sb
CL02L0222 - DIANNE C. MITCHELL

CLAIM OF: **DAVID PENFIELD,**
8307 Heathrow Downs
Montgomery, Alabama 36117

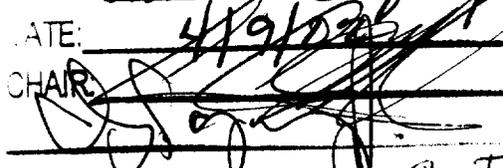
02-R-0655

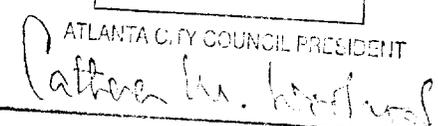
For damages alleged to have been sustained as a result of a vehicular accident on November 24, 2001 at North Avenue and Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

APPROVED BY MAY 06
CERTIFIED
MAY 06 2002
Rhonda Daughlin Johnson
MUNICIPAL CLERK

ADVERSE REPORT
COMMITTEE: *Public Safety*
DATE: *4/9/02*
CHAIR: 
 C. T. Martin


CERTIFIED
MAY 06 2002
ATLANTA CITY COUNCIL PRESIDENT




**CITY OF ATLANTA
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

May 21, 2002

FORIS WEBB, III
DEPUTY MUNICIPAL CLERK

David Penfield
8307 Heathrow Downs
Montgomery, Alabama 36117

02-R-0655

Dear Mr. Penfield:

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 May 6, 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. 02L0222

Date: March 28, 2002

Claimant /Victim DAVID PENFIELD

BY: (Atty.)(Ins. Co.) _____

Address: 8307 Heathrow Downs, Montgomery, Alabama 36117

Subrogation: _____ Claim for Property damage \$ 3,942.64 Bodily Injury \$ _____

Date of Notice: 03/11/02 Method: Written, proper X Improper _____

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

Date of Occurrence 11/24/01 Place: North Avenue and Peachtree Street

Department PRCA Division: Cultural Affairs

Employee involved Ross Fleming Disciplinary Action: Three Day Suspension

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged due to a vehicular accident with a City vehicle. The investigation determined that the cause of the accident was due to the driver of the claimant's vehicle making a left turn in front of the driver of the City vehicle.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X

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

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

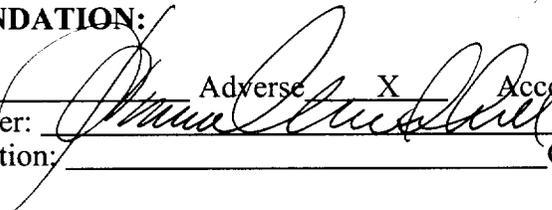
Claimant Negligent X City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 03/28/02

Committee Action: _____ Council Action _____

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507; 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
ADOPT

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

**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
B Winslow	Y Muller	Y Boazman	NV Woolard

**ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668**

CONSENT I

05/06/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-0666 | 34. 02-R-0613 | 47. 02-R-0625 |
| 2. 02-O-0678 | 35. 02-R-0614 | 48. 02-R-0626 |
| 3. 02-O-0681 | 36. 02-R-0615 | 49. 02-R-0627 |
| 4. 02-O-0684 | 37. 02-R-0616 | 50. 02-R-0628 |
| 5. 02-O-0487 | 38. 02-R-0617 | 51. 02-R-0629 |
| 6. 02-O-0491 | 39. 02-R-0618 | 52. 02-R-0630 |
| 7. 02-O-0686 | 40. 02-R-0619 | 53. 02-R-0631 |
| 8. 02-O-0687 | 41. 02-R-0620 | 54. 02-R-0632 |
| 9. 02-O-0688 | 42. 02-R-0621 | 55. 02-R-0633 |
| 10. 02-O-0086 | 43. 02-R-0622 | 56. 02-R-0634 |
| 11. 02-O-0672 | 44. 02-R-0623 | 57. 02-R-0635 |
| 12. 02-O-0689 | 45. 02-R-0624 | 58. 02-R-0636 |
| 13. 02-O-0563 | 46. 02-R-0700 | 59. 02-R-0637 |
| 14. 02-O-0673 | | 60. 02-R-0638 |
| 15. 02-O-0674 | | 61. 02-R-0639 |
| 16. 02-R-0512 | | 62. 02-R-0640 |
| 17. 02-R-0680 | | 63. 02-R-0641 |
| 18. 02-R-0598 | | 64. 02-R-0642 |
| 19. 02-R-0697 | | 65. 02-R-0643 |
| 20. 02-R-0600 | | 66. 02-R-0644 |
| 21. 02-R-0658 | | 67. 02-R-0645 |
| 22. 02-R-0702 | | 68. 02-R-0646 |
| 23. 02-R-0480 | | 69. 02-R-0647 |
| 24. 02-R-0507 | | 70. 02-R-0648 |
| 25. 02-R-0501 | | 71. 02-R-0649 |
| 26. 02-R-0604 | | 72. 02-R-0650 |
| 27. 02-R-0704 | | 73. 02-R-0651 |
| 28. 02-R-0607 | | 74. 02-R-0652 |
| 29. 02-R-0608 | | 75. 02-R-0653 |
| 30. 02-R-0609 | | 76. 02-R-0654 |
| 31. 02-R-0610 | | 77. 02-R-0655 |
| 32. 02-R-0611 | | 78. 02-R-0656 |
| 33. 02-R-0612 | | 79. 02-R-0657 |
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