Entered - 03/25/02 - sb
CL02L0250 - DIANNE C. MITCHELL

CLAIM OF: **PEGGY BAUGHNS,**
through her insurance carrier,
Progressive Insurance Company
P. O. Box 89440
Cleveland, Ohio 44101-6440

02- R -0770

For damages alleged to have been sustained as a result of a vehicular accident on September 6, 2001 at Jonesboro Road and Sawtell Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL MAY 2 0

CERTIFIED
MAY 2 0 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine M. Woolard

CONSENT AGENDA

ADVERSE REPORT
COMM Public Safety
DATE 5/14/02
CHAIR
Carla Smith
Cleta Winslow
Howard Shook
C. T. Martin
Vera Lowe
Natalie Archibald

CERTIFIED
MAY 2 0 2002
Rhonda Dauphin 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

May 31, 2002

Progressive Insurance Company
Insurance Carrier
Attn: Barbara Miller
P.O. Box 89440
Cleveland, Ohio 44101-6440

02-R-0770

RE: Peggy Baughns

Dear Ms. Miller:

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 May 20, 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. **02L0250** Date: April 11, 2002

Claimant /Victim **PEGGY BAUGHNS**
BY: (Ins. Co.) Progressive Insurance Company
Address: P. O. Box 89440, Cleveland, Ohio 44101-6440
Subrogation: X Claim for Property damage $ **2,040.53** Bodily Injury $ _____
Date of Notice: 03/25/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 09/06/01 Place: Jonesboro Road and Sawtell Avenue
Department Police Division: _____
Employee involved Steve L. Schreckengost Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that the driver of the City vehicle was responsible for the damages he sustained due to the subject accident. 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 X Dept Report _____ Other _____
Traffic citations issued: City Driver X Claimant Driver X
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 04-24-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3731
5/20/02
2:33 PM

Atlanta City Council

Regular Session

CONSENT I PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE CONSENT AGENDA

02-R-0813
02-R-0812
02-R-0807
02-R-0805
02-R-0721
02-R-0504
02-R-0808
02-R-0708
02-R-0707
02-R-0882
02-R-0881
02-R-0809
02-R-0798
02-R-0797
02-R-0732
02-R-0706
02-R-0724
02-R-0802
02-R-0888
02-R-0887
02-R-0733
02-R-0731
02-R-0728
02-R-0727
02-O-0846
02-O-0830
02-O-0703
02-O-0699
02-O-0671
02-O-0606
02-O-0605
02-O-0833
02-O-0601
02-O-0488
02-O-0836
02-O-0845
02-O-0844
02-O-0843
02-O-0835
02-O-0834
02-O-0603
02-R-0735
02-R-0752
02-R-0753
02-R-0754
02-R-0755
02-R-0756
02-R-0757
02-R-0758
02-R-0759
02-R-0760
02-R-0761

ITEMS ADVERSED ON THE CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
02-R-0765
02-R-0766
02-R-0767
02-R-0768
02-R-0769
02-R-0770
02-R-0771
02-R-0772
02-R-0773
02-R-0774
02-R-0775
02-R-0776
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02-R-0789
02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796