

Entered -01-15-02 sb
CL 02L0031 - GWENDOLYN BURNS

CLAIM OF:

SHAKIYA BENNETT
through her attorney,
Marc D. Hawthorne
Moore & Hawthorne, L.L.C.
400 Colony Square
1201 Peachtree Street, NE
Suite 300
Atlanta, Georgia 30361

02- *R*-0775

For bodily injuries sustained as a result of a fall that occurred on August 15, 2001 at 950 Geribaldi Street (Pittman Park Gymnasium).

THIS ADVERSED REPORT IS
APPROVED

BY: *Robert N. Godfrey*
Robert N. Godfrey
DEPUTY CITY ATTORNEY

ADVERSED BY CITY COUNCIL MAY 20

CERTIFIED
MAY 20 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

ADVERSE REPORT
COMM: *Public Safety*
DATE: *5/14/02*
CHAIR: *[Signature]*
[Signature]
[Signature]
[Signature]

CERTIFIED
MAY 20 2002
Rhonda Danchin 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

Marc D. Hawthorne
Attorney at Law
400 Colony Square
1201 Peachtree Street, NE
Suite 300
Atlanta, GA 30361

02-R-0775

RE: Shakiya Bennett

Dear Attorney Hawthorne:

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. 02L0031

Date: May 2, 2002

Claimant /Victim SHAKIYA BENNETT
BY: (Atty) (Ins. Co.) Marc D. Hawthorne, Esq., MOORE & HAWTHORNE, L. L. C.
Address: 400 Colony Square, 1201 Peachtree Street, NE, Suite 300, Atlanta, Georgia 30301
Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified
Date of Notice: 1/15/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/15/01 Place: 950 Geribaldi Street (Pittman Park Gymnasium)
Department PARKS, RECREATION & CULTURAL AFFAIRS Division Recreation
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries after falling from the gymnasium bleachers at the above location. An investigation determined that the claimant along with other children were being supervised by the Senior Recreation Operations Assistant at the time of the incident. Further inquiry revealed that the child wandered over to the bleachers, an unauthorized area, and started playing on them when she slipped and fell. However, the City is immune from liability pursuant to O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police 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 City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 05-03-02
Committee Action: Council Action

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 I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE
CONSENT AGENDA

02-R-0813 02-R-0753
02-R-0812 02-R-0754
02-R-0807 02-R-0755
02-R-0805 02-R-0756
02-R-0721 02-R-0757
02-R-0504 02-R-0758
02-R-0808 02-R-0759
02-R-0708 02-R-0760
02-R-0707 02-R-0761
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

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
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02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796