

Entered - 02/13/02 - sb  
CL02L0123 - DIANNE C. MITCHELL

CLAIM OF: **DEAC'S BAR-B-QUE,**  
through its attorney,  
**Maureen G. Malone**  
1095 Avon Avenue, SW  
Atlanta, Georgia 30310

02-R-1093

For damages alleged to have been sustained as a result of property damage during the construction of the Hollywood Road Bridge during 2001 at 1437 Hollywood Road, NW.

THIS ADVERSED REPORT IS APPROVED

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

**ADVERSE REPORT**

COMM: *P.S. + L.A.*  
DATE: *JUN 25 2002*  
CHAIR: *[Signature]*  
*Clara Anderson*  
*Natasha A. Curbishley*  
*E. T. Martin*  
*Heidi Shubert*  
*Carla Smith*

**CERTIFIED**  
JUL 01 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine W. Woodard*

**CERTIFIED**  
JUL 01 2002  
*Flora Daphine Johnson*  
MUNICIPAL CLERK

ADVERSED BY  
CITY COUNCIL JUL 01



## 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

July 15, 2002

Maureen G. Malone  
Attorney at Law  
1095 Avon Ave., SW  
Atlanta, GA 30310

02-R-1093

RE: Deac's Bar-B-Que

Dear Attorney Malone:

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 July 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0123

Date: June 12, 2002

Claimant /Victim DEAC'S BAR-B-QUE

BY: (Atty) Maureen G. Malone

Address: 1095 Avon Avenue, SW, Atlanta, Georgia 30310

Subrogation: Claim for Property damage \$ 6,290.41 Bodily Injury \$

Date of Notice: 02/07/02 Method: Written, proper x Improper

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

Date of Occurrence 2001 Place: 1437 Hollywood Road, NW

Department Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges its business was damaged during the construction of the Hollywood Road bridge during 2001. The investigation determined that the construction was performed by a contractor, Bellamy Brothers, working for the Georgia Department of Transportation. The claimant has been advised to pursue its claim with the contractor.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

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 Ministerial

Improper Notice More than Six Months Other Damages reasonable

City not involved X 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 2P01

Claims Manager: [Signature] Concur/date 06-12-02

Committee Action: Council Action



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**07/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSE  
ON CONSENT  
AGENDA**

1. 02-O-0718
2. 02-O-1021
3. 02-O-1022
4. 02-O-1119
5. 02-O-1142
6. 02-O-0602
7. 02-O-1013
8. 02-O-1148
9. 02-O-0864
10. 02-O-1017
11. 02-O-1020
12. 02-R-1143
13. 02-R-1104
14. 02-R-1120
15. 02-R-1121
16. 02-R-1122
17. 02-R-0470
18. 02-R-0810
19. 02-R-1182
20. 02-R-1118
21. 02-R-1146
22. 02-R-1177
23. 02-R-1179
24. 02-R-1101
25. 02-R-1102
26. 02-R-1103
27. 02-R-1145
28. 02-R-1134
29. 02-R-1135
30. 02-R-1136
31. 02-R-1176
32. 02-R-1072
33. 02-R-1073

34. 02-R-1074
35. 02-R-1075
36. 02-R-1124
37. 02-R-1125
38. 02-R-1126

39. 02-R-1076
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  41. 02-R-1078
  42. 02-R-1079
  43. 02-R-1080
  44. 02-R-1081
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  64. 02-R-1128
  65. 02-R-1129
  66. 02-R-1130
  67. 02-R-1131
  68. 02-R-1132
  69. 02-R-1133
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