

Entered - 02-13-02 - sb
CL 02L0138 - ALEXIS HOLMES

02-R-1098

CLAIM OF: **LEONARD BERMAN**
2092 La Dawn Lane, NW
Atlanta, Georgia 30318

For vehicle damages alleged to have been sustained as a result of driving over a pothole in the roadway on October 24, 2001 at Bellemeade Avenue and Howell Mill Road.

THIS ADVERSE 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]*
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

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

CERTIFIED
JUL 01 2002
[Signature]
MUNICIPAL CLERK

ADVERSE 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

Leonard Berman
2092 La Dawn Lane, NW
Atlanta, Georgia 30318

02-R-1098

Dear Mr. Berman:

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 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.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0138

Date: 06/12/02

Claimant /Victim LEONARD BERMAN

BY: (Atty)

Address: 2092 La Dawn Lane, NW Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ 257.00 Bodily Injury \$

Date of Notice: 02/01/02 Method: Written, proper X Improper

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

Date of Occurrence 10/24/01 Place: Bellemeade Avenue and Howell Mill Road

Department Public Works Division: Street Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he drove over a pothole in the roadway. In an investigation it was determined that the City did not have notice of the pothole prior to the incident involving the claimant. However, the City has taken the necessary steps to repair the pothole.

INVESTIGATION:

Statements: City employee Claimant Other X Written X 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 Other X 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,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

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

Claims Manager: Concur/date 06-12-02

Committee Action: Council Action

07/01/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
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
 40. 02-R-1077
 41. 02-R-1078
 42. 02-R-1079
 43. 02-R-1080
 44. 02-R-1081
 45. 02-R-1082
 46. 02-R-1083
 47. 02-R-1084
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 62. 02-R-1099
 63. 02-R-1127
 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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