

Entered - 06/04/02 - sb
CL02L0380 - DIANNE C. MITCHELL

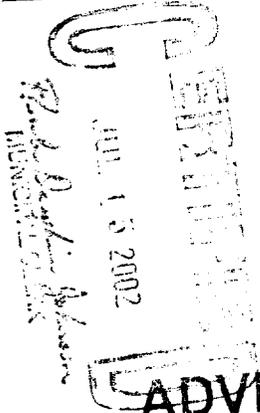
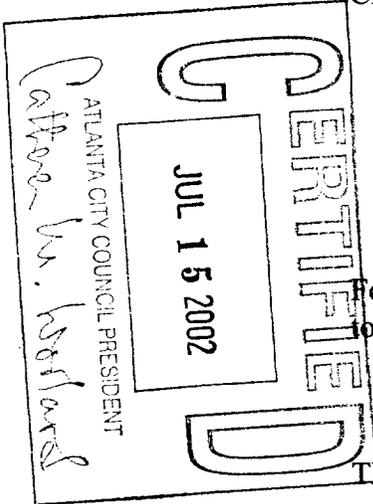
CLAIM OF: ANTHONY MCDOWELL AND
SHUMATE MECHANICAL, INC.,
through their insurance carrier,
Kemper Insurance Companies
6200 The Corners Parkway
Norcross, Georgia 30092

02- R-1200

For damages alleged to have been sustained as a result of injuries due
to a fallen tree limb on April 22, 2002 at 1200 Mt. Paran Road, NW.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSED BY
CITY COUNCIL JUL 15 2002

ADVERSE REPORT

COMM: P. S. L. A.
DATE: 7/9/02
CHAIR: *[Signature]*
C. T. Martin
Carla Smith
Cela Walker



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 30, 2002

Kemper Insurance Companies
Insurance Carrier
Attn: Valerie Cannady
6200 The Corners Parkway
Norcross, Georgia 30092

02-R-1200

RE: Anthony McDowell and Shumate
Mechanical, Inc.

Dear Ms. Cannady:

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 15, 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. 02L0380

Date: June 19, 2002

Claimant /Victim ANTHONY MCDOWELL AND SHUMATE MECHANICAL, INC.

BY: (Ins. Co.) Kemper Insurance Companies

Address: 6200 The Corners Parkway, Norcross, Georgia 30092

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated

Date of Notice: 05/24/02 Method: Written, proper X Improper

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

Date of Occurrence 04/22/02 Place: 1200 Mt. Paran Road, NW

Department PRCA Division: Forestry

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant, Anthony McDowell, alleges he was injured when a tree limb fell and struck his employer's vehicle causing him to be injured. The investigation determined that the City had no notice of any problems with any trees or tree limbs at this location prior to or after the incident involving the claimant. The City is immune from liability as set forth in O.C.G.A §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report 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 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,

[Signature] INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 06-19-02

Committee Action: Council Action

RCS# 3893
7/15/02
5:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-11; EXCEPT 02-R-1278

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

1 st Consent I Vote:	15 Yeas; 0 Nays	(See RCS #3874)
Reconsidered	11 Yeas; 0 Nays	(See RCS #3892)

CONSENT I

		07/15/02 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1255	34. 02-R-1229	52. 02-R-1197
2. 02-O-1256	35. 02-R-1230	53. 02-R-1198
3. 02-O-1262	36. 02-R-1231	55. 02-R-1199
4. 02-O-0969	37. 02-R-1252	56. 02-R-1200
5. 02-O-1149	38. 02-R-1183	57. 02-R-1201
6. 02-O-1100	39. 02-R-1184	58. 02-R-1202
7. 02-O-1175	40. 02-R-1185	59. 02-R-1203
8. 02-O-1105	41. 02-R-1186	60. 02-R-1204
9. 02-O-1109	42. 02-R-1187	61. 02-R-1205
10. 02-O-1110	43. 02-R-1188	62. 02-R-1206
11. 02-O-1111	44. 02-R-1189	63. 02-R-1207
12. 02-O-1112	45. 02-R-1190	64. 02-R-1208
13. 02-O-1113	46. 02-R-1191	65. 02-R-1209
14. 02-O-1114	47. 02-R-1192	66. 02-R-1210
15. 02-O-1115	48. 02-R-1193	
16. 02-O-1116	49. 02-R-1194	
17. 02-O-1117	50. 02-R-1195	
18. 02-O-1144	51. 02-R-1196	
19. 02-R-0363		
20. 02-R-1225		
21. 02-R-1249		
22. 02-R-1250		
23. 02-R-1251		
24. 02-R-1263		
25. 02-R-1276		
26. 02-R-1277		
27. 02-R-1214		
28. 02-R-1215		
29. 02-R-1274		
30. 02-R-1211		
31. 02-R-1212		
32. 02-R-1227		
33. 02-R-1228		