

Entered - 07/01/02 - sb
CL02L0448 - DIANNE C. MITCHELL

02-R-1322

CLAIM OF: **JOHN GENINS**
3145 Towerview Drive, NE
Atlanta, Georgia 30324

For damages alleged to have been sustained as a result of a conviction in Municipal Court on December 12, 2001.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newel*
ROSALIND RUBENS NEWEL
INTERIM CITY ATTORNEY

Carole W. Woodard
ATLANTA CITY COUNCIL PRESIDENT
AUG 19 2002
CERTIFIED

Rosalind Rubens Newel
MUNICIPAL CLERK
AUG 19 2002
CERTIFIED

ADVERSED AUG 19 2002

ADVERSE REPORT

COMM: *P.S.L.A.*

DATE: *7/30/02*

CHAIR: *Vice chair C. T. Martin*

Natasha Anderson

[Signature]

Carla Smith



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

August 20, 2002

John Genins
3145 Towerview Dr., NE
Atlanta, GA 30324

02-R-1322

Dear Mr. Genins:

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 August 19, 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. 02L0448

Date: July 10, 2002

Claimant /Victim JOHN GENINS

BY: (Atty)(Ins. Co.) _____

Address: 3145 Towerview Drive, NE, Atlanta, Georgia 30324

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

Date of Notice: 06/12/02 Method: Written, proper x Improper _____

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

Date of Occurrence 12/12/01 Place: 170 Garnett Street, SW

Department Municipal Court Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he was illegally convicted by a judge in the Municipal Court. However, 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 _____ 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 _____

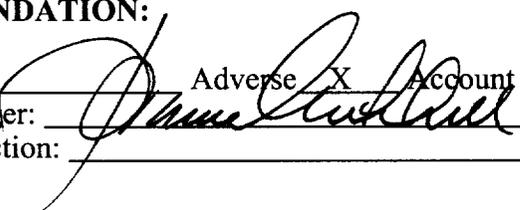
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager:  Concur/date 07-16-02

Committee Action: _____ Council Action _____

08/19/02 Council Meeting

ITEMS ADOPTED ON CONSENT
AGENDA

ITEMS ADVERSED
ON CONSENT AGENDA

- | | |
|---------------|---------------|
| 1. 02-O-1181 | 34. 02-R-1307 |
| 2. 02-O-1221 | 35. 02-R-1308 |
| 3. 02-O-1222 | 36. 02-R-1309 |
| 4. 02-O-1282 | 37. 02-R-1310 |
| 5. 02-O-1300 | 38. 02-R-1311 |
| 6. 02-O-1245 | 39. 02-R-1312 |
| 7. 02-O-1293 | 40. 02-R-1313 |
| 8. 02-O-1294 | 41. 02-R-1314 |
| 9. 02-O-1223 | 42. 02-R-1315 |
| 10. 02-O-1220 | 43. 02-R-1316 |
| 11. 02-O-1289 | 44. 02-R-1317 |
| 12. 02-O-1291 | 45. 02-R-1318 |
| 13. 02-O-1273 | 46. 02-R-1319 |
| 14. 02-O-1224 | 47. 02-R-1320 |
| 15. 02-O-1232 | 48. 02-R-1321 |
| 16. 02-O-1233 | 49. 02-R-1322 |
| 17. 02-O-1287 | 50. 02-R-1323 |
| 18. 02-R-1362 | 51. 02-R-1324 |
| 19. 02-R-1283 | 52. 02-R-1325 |
| 20. 02-R-1288 | 53. 02-R-1326 |
| 21. 02-R-1334 | 54. 02-R-1327 |
| 22. 02-R-1279 | 55. 02-R-1328 |
| 23. 02-R-1331 | 56. 02-R-1329 |
| 24. 02-R-1332 | 57. 02-R-1330 |
| 25. 02-R-1333 | |
| 26. 02-R-1338 | |
| 27. 02-R-1349 | |
| 28. 02-R-1350 | |
| 29. 02-R-1348 | |
| 30. 02-R-1303 | |
| 31. 02-R-1304 | |
| 32. 02-R-1305 | |
| 33. 02-R-1306 | |

1st Consent I Vote: 13Yeas; 0 Nays (See RCS #3910)
Items Removed from Consent: 02-O-1290; 02-O-1213; 02-R-1345; 02-O-1272