

Entered - 05/21/99 - sb
CL99L0293 - DIANNE C. MITCHELL

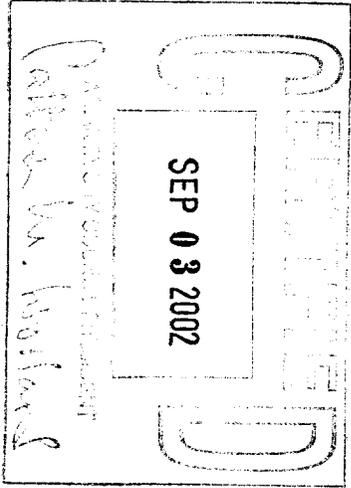
CLAIM OF: **GREGG AND ANDREA PALAIAN**
659 Elmwood Drive, NE
Atlanta, Georgia 30306

02-R-1419

For damages alleged to have been sustained as a result of a City vehicle hitting their tree on March 15, 1999 at 659 Elmwood Drive, NE.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSE REPORT

ADVERSE REPORT SEP 03 2002
CITY COUNCIL

COMM: *Public Safety*
DATE: *8/27/02*
CHAIR: *[Signature]*
J. C. A. Mark
Harl Shill
Carla Fritz
[Signature]



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

September 10, 2002

Gregg & Andrea Palaian
659 Elmwood Dr., NE
Atlanta, GA 30306

02-R-1419

Dear Mr. & Mrs. Palaian:

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 September 3, 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. 99L0293

Date: July 29, 2002

Claimant /Victim GREGG AND ANDREA PALAIAN

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

Address: 659 Elmwood Drive, Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ 250.00 Bodily Injury \$

Date of Notice: 05/11/99 Method: Written, proper X Improper

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

Date of Occurrence 03/15/99 Place: 659 Elmwood Drive

Department Public Works Division: Solid Waste Services

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege their tree was damaged when it was struck by a Solid Waste Services vehicle. However, the claimants have failed to respond to the City's settlement offer.

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 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 X

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 07-29-02

Committee Action: Council Action

RCS# 3953
9/03/02
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

CONSENT I

09/03/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA****ITEMS ADVERSED
ON CONSENT AGENDA**

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1455 | 43. 02-R-1492 | 59. 02-R-1418 |
| 2. 02-O-1456 | 44. 02-R-1347 | 60. 02-R-1419 |
| 3. 02-O-1457 | 45. 02-R-1461 | 61. 02-R-1420 |
| 4. 02-O-1460 | 46. 02-R-1462 | 62. 02-R-1421 |
| 5. 02-O-1454 | 47. 02-R-1471 | 63. 02-R-1422 |
| 6. 02-O-1336 | 48. 02-R-1484 | 64. 02-R-1423 |
| 7. 02-O-1337 | 49. 02-R-1486 | 65. 02-R-1424 |
| 8. 02-O-1339 | 50. 02-R-1363 | 66. 02-R-1425 |
| 9. 02-O-1340 | 51. 02-R-1364 | 67. 02-R-1426 |
| 10. 02-O-1341 | 52. 02-R-1365 | 68. 02-R-1427 |
| 11. 02-O-1342 | 53. 02-R-1412 | 69. 02-R-1428 |
| 12. 02-O-1343 | 54. 02-R-1413 | 70. 02-R-1429 |
| 13. 02-O-1226 | 55. 02-R-1414 | 71. 02-R-1430 |
| 14. 02-O-1446 | 56. 02-R-1415 | 72. 02-R-1431 |
| 15. 02-O-1465 | 57. 02-R-1416 | 73. 02-R-1432 |
| 16. 02-R-1370 | 58. 02-R-1417 | 74. 02-R-1433 |
| 17. 02-R-1371 | | 75. 02-R-1434 |
| 18. 02-R-1372 | | 76. 02-R-1435 |
| 19. 02-R-1373 | | 77. 02-R-1436 |
| 20. 02-R-1374 | | 78. 02-R-1437 |
| 21. 02-R-1375 | | 79. 02-R-1438 |
| 22. 02-R-1376 | | |
| 23. 02-R-1378 | | |
| 24. 02-R-1379 | | |
| 25. 02-R-1380 | | |
| 26. 02-R-1392 | | |
| 27. 02-R-1468 | | |
| 28. 02-R-1480 | | |
| 29. 02-R-1481 | | |
| 30. 02-R-1482 | | |
| 31. 02-R-1483 | | |
| 32. 02-R-1385 | | |
| 33. 02-R-1479 | | |
| 34. 02-R-1369 | | |
| 35. 02-R-1439 | | |
| 36. 02-R-1440 | | |
| 37. 02-R-1495 | | |
| 38. 02-R-1500 | | |
| 39. 02-R-1501 | | |
| 40. 02-R-1386 | | |
| 41. 02-R-1388 | | |
| 42. 02-R-1491 | | |

1st Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)
Items Removed from Consent: 02-R-1137; 02-R-1458