

Entered - 7-1-02 sb
CL 02L0455 - GWENDOLYN BURNS

CLAIM OF:

JOANNE J. HOOTEN
108 Vilamoura Way
Duluth, Georgia 30097

02- R1433

For damages alleged to have been sustained from a fall in the
CNN parking lot on January 24, 2002 on Techwood Drive.

THIS ADVERSED REPORT IS
APPROVED

ATLANTA CITY COUNCIL PRESIDENT
Catherine M. Woodard
RECEIVED
SEP 03 2002

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

RECEIVED
SEP 03 2002
Richard D. Bunker Fox
MUNICIPAL CLERK

ADVERSED BY SEP 03 2002

ADVERSE REPORT

COMM: Public Safety

DATE: 8/27/02

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[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

Joanne J. Hooten
108 Vilamoura Way
Duluth, GA 30097

02-R-1433

Dear Ms. Hooten:

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. 02L0455

Date: August 12, 2002

Claimant /Victim JOANNE J. HOOTEN
BY: (Atty) (Ins. Co.)
Address: 108 Volamoura Way, Duluth, Georgia 30097
Subrogation: Claim for Property damage:\$ 18.75 Bodily Injury \$ 177.26
Date of Notice: 6/26/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/24/02 Place: CNN Parking Deck Exit - Techwood Drive
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant sustained bodily injuries and property damage when she tripped on four screws that were protruding from a concrete platform where the ticket dispenser was located in the CNN parking lot. An investigation determined that CNN owns and maintains the parking lot and not the City. The claimant has been so advised and her claim has been forwarded to CNN for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
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 X 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2P01 2J01 2H01
Claims Manager: Concur/date 08-14-02
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