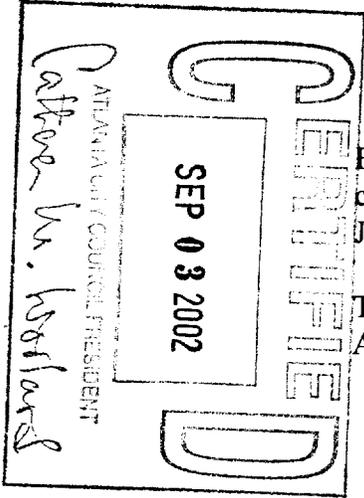


Entered -01-24-02 - sb  
CL 02L0063 - GWENDOLYN BURNS

CLAIM OF:

**ERIKA WORTHEN**  
1025 Melrose Park Place  
Lawrenceville, Georgia 30044

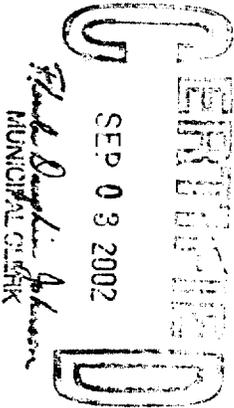
**02- R1438**



For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on January 8, 2002 at 866 West Peachtree Street, NE.

THIS ADVERSED REPORT IS APPROVED

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



ADVERSED BY CITY COUNCIL 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 11, 2002

Erika Worthen  
1025 Melrose Park Place  
Lawrenceville, GA 30044

02-R-1438

Dear Ms. Worthen:

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. 02L0063

Date: August 16, 2002

Claimant /Victim ERIKA WORTHEN
BY: (Atty) (Ins. Co.)
Address: 1025 Melrose Park Place, Lawrenceville, Georgia 30044
Subrogation: Claim for Property damage \$ 175.00 Bodily Injury \$
Date of Notice: 1/17/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/8/02 Place: 866 West Peachtree Street, NE
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her vehicle sustained damage when she drove through a construction site in the roadway that was left open and in an unsafe condition. An investigation determined that Atlanta Gas Light Company performed work at the incident location. The utility company has accepted liability for the damages and is in the process of resolving the claim.

INVESTIGATION:

Statements: City employee Claimant Others X Written Oral X
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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2P01 2J01 2H01
Claims Manager: [Signature] Concur/date 08-16-02
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 |               |               |

---

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