Entered - 05/13/02 - sb
CL02L0343 - DIANNE C. MITCHELL

CLAIM OF: **TRACY MIKSELL,**
through her attorney,
Robert A. Katenkamp
PMB 332
3330 Cobb Parkway
Suite 17
Acworth, Georgia 30101

02-R-1520

RECEIVED
SEP 16 2002
MUNICIPAL CLERK

For damages alleged to have been sustained as a result of vehicular accident on December 14, 2001 at Pratt Street and Decatur Street.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

RECEIVED
SEP 16 2002
MUNICIPAL CLERK

ADVERSED
CITY COUNCIL SEP 16 2002

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE 9/16/02
CHAIR
C.T. Martin

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 19, 2002

Robert A. Katenkamp
Attorney at Law
PMB 332
Suite 17
3330 Cobb Parkway
Acworth, GA 30101

02-R-1520

RE: Tracy Miksell

Dear Attorney Katenkamp:

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 September 16, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0343** Date: August 28, 2002

Claimant /Victim **TRACY MIKSELL**
BY: (Atty) Robert A. Katenkamp
Address: PMB 332, 3330 Cobb Parkway, Suite 17, Acworth, Georgia 30101
Subrogation: _____ Claim for Property damage $ **Not Stated** Bodily Injury $ **Not Stated**
Date of Notice: 05/10/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/14/01 Place: Pratt Street and Decatur Street
Department **Corrections** Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear ended the claimant's vehicle. However, the claimant, through her attorney, has failed to provide information and documentation to substantiate her claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver X 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 X

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 08/28/02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3984
9/16/02
2:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; except 02-O-1591; 02-O-1592
02-R-1589; 02-R-1540; 02-R-1542
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	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

09/16/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1453	43. 02-R-1509	45. 02-R-1502
2. 02-O-1586	44. 02-R-1510	46. 02-R-1503
3. 02-O-1496		47. 02-R-1504
4. 02-O-1389		48. 02-R-1505
5. 02-O-1390		49. 02-R-1506
6. 02-O-0791		50. 02-R-1511
7. 02-O-1258		51. 02-R-1512
8. 02-O-1298		52. 02-R-1513
9. 02-O-1391		53. 02-R-1514
10. 02-O-1395		54. 02-R-1515
11. 02-O-1450		55. 02-R-1516
12. 02-R-1535		56. 02-R-1517
13. 02-R-1541		57. 02-R-1518
14. 02-R-1546		58. 02-R-1519
15. 02-R-1526		59. 02-R-1520
16. 02-R-1527		60. 02-R-1521
17. 02-R-1528		61. 02-R-1522
18. 02-R-1529		62. 02-R-1523
19. 02-R-1530		63. 02-R-1524
20. 02-R-1531		64. 02-R-1525
21. 02-R-1532		
22. 02-R-1560		
23. 02-R-1561		
24. 02-R-1615		
25. 02-R-1563		
26. 02-R-1564		
27. 02-R-1565		
28. 02-R-1566		
29. 02-R-1568		
30. 02-R-1569		
31. 02-R-1570		
32. 02-R-1572		
33. 02-R-1573		
34. 02-R-1574		
35. 02-R-1487		
36. 02-R-1533		
37. 02-R-1557		
38. 02-R-1558		
39. 02-R-1559		
40. 02-R-1616		
41. 02-R-1507		
42. 02-R-1508		

Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542