ADVERSED BY CITY COUNCIL OCT 2 1 2002

Entered - 09/26/02 - sb
CL02L0685 - DIANNE C. MITCHELL

CLAIM OF: **AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY AS SUBROGEE OF DEBORAH MINCEY,**
**through its agent,**
**Certified Credit Services, Inc.**
**P. O. Box 88**
**Breman, Georgia 30110**

**02-R-1752**

For damages alleged to have been sustained as a result of a vehicular accident on December 8, 2000 at Interstate 75 and Peachtree Battle Avenue, NW.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
**ROSALIND RUBENS NEWELL**
**DEPUTY CITY ATTORNEY**

CERTIFIED
OCT 2 1 2002
CITY COUNCIL PRESIDENT

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 10/15/02
CHAIR:

# 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

October 23, 2002

American National Property and Casualty
Company as subrogee of Deborah Mincey
Agent: Certified Credit Services, Inc.
Attn: Ryan Payne
P.O. Box 88
Breman, Georgia 30110

**02-R-1752**

Dear Mr. Payne:

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 October 21, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0685** Date: October 2, 2002

Claimant /Victim AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY AS SUBROGEE OF DEBORAH MINCEY
BY: (Agent) Certified Credit Services, Inc.
Address: P. O. Box 88, Breman, Georgia 30110
Subrogation: _____ Claim for Property damage $ **2,581.37** Bodily Injury $ _____
Date of Notice: 09/26/02 Method: Written, proper _____ Improper X
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 12/08/00 Place: Interstate 75 and Peachtree Battle Avenue, NW
Department Public Works Division: _____
Employee involved Robert Lee Howard, Jr. Disciplinary Action: _____

NATURE OF CLAIM: The claimant is alleging that its insured was damaged due to a vehicular accident with the City of Atlanta. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

### INVESTIGATION:

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

### BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice X More than Six Months X 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 _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 10-02-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4102
10/21/02
2:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-o-1643; 02-O-1795
02-R-1803; 02-R-1729
ADOPT

| | |
|---|---|
| YEAS: | 12 |
| NAYS: | 0 |
| ABSTENTIONS: | 0 |
| NOT VOTING: | 4 |
| EXCUSED: | 0 |
| ABSENT | 0 |

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

**ITEMS ADOPTED ON CONSENT AGENDA**

1. 02-O-1368
2. 02-O-1710
3. 02-O-1674
4. 02-O-1645
5. 02-O-1646
6. 02-O-1647
7. 02-O-1648
8. 02-O-1672
9. 02-O-1726
10. 02-O-1728
11. 02-O-1776
12. 02-O-1779
13. 02-O-1781
14. 02-O-1783
15. 02-O-1790
16. 02-O-1791
17. 02-O-1661
18. 02-O-1793
19. 02-O-1584
20. 02-O-1636
21. 02-O-1738
22. 02-R-1176
23. 02-R-1736
24. 02-R-1737
25. 02-R-1745
26. 02-R-1769
27. 02-R-1716
28. 02-R-1740
29. 02-R-1735
30. 02-R-1797
31. 02-R-1800
32. 02-R-1663
33. 02-R-1780
34. 02-R-1802
35. 02-R-1588
36. 02-R-1773
37. 02-R-1787
38. 02-R-1799
39. 02-R-1760
40. 02-R-1761
41. 02-R-1762
42. 02-R-1763
43. 02-R-1764
44. 02-R-1765
45. 02-R-1766
46. 02-R-1767
47. 02-R-1768

**ITEMS ADVERSED ON CONSENT AGENDA**

48. 02-R-1746
49. 02-R-1747
50. 02-R-1748
51. 02-R-1749
52. 02-R-1750
53. 02-R-1751
54. 02-R-1752
55. 02-R-1753
56. 02-R-1754
57. 02-R-1755
58. 02-R-1756
59. 02-R-1757
60. 02-R-1758
61. 02-R-1759
62. 02-R-1366

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)

Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729