

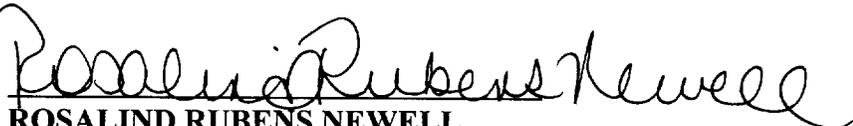
Entered - 07-16-02 - sb
CL 02L0488 - GWENDOLYN BURNS

CLAIM OF: MARIE A. OBIEKWE
5174 Great Meadows Road
Lithonia, Georgia 30038

02-*R*-1825

For vehicular damages alleged to have been sustained when another vehicle caused gravel to strike a window on May 28, 2002 at Pool Drive and Wieuca Road.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL NOV 04 2002

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 10/29/02

CHAIR: [Signature]

[Signature]

[Signature]

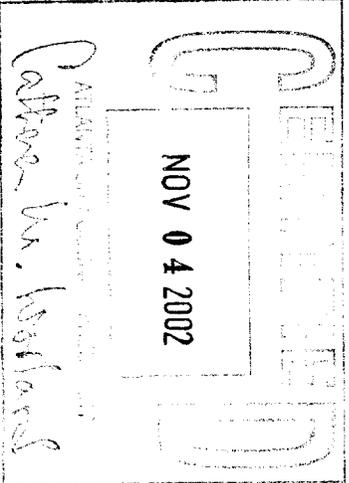
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CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

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

November 6, 2002

Ms. Marie A. Obiekwe
5174 Great Meadows Road
Lithonia, Georgia 30038

02-R-1825

Dear Ms. Obiekwe:

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 November 4, 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, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0488

Date: October 15, 2002

Claimant /Victim MARIE A. OBIEKWE
BY: (Atty) (Ins. Co.)
Address: 5174 Great Meadows Road, Lithonia, Georgia 30038
Subrogation: Claim for Property damage \$ 500.00 Bodily Injury \$
Date of Notice: 7/10/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/28/02 Place: Pool Drive & Wieuca Road
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damage when another vehicle caused gravel to strike and shatter her windshield. However, the City is not responsible for the actions of third parties.

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,

Handwritten signature: Wendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: [Signature] Concur/date 10/16/02
Committee Action: Council Action

RCS# 4209
11/04/02
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871
02-R-1885; 02-O-1879
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
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
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/08/02 Council Meeting

ITEMS ADOPTED ON CONSENT

AGENDA

1. 02-O-1730
2. 02-O-1733
3. 02-O-1734
4. 02-O-1891
5. 02-O-1537
6. 02-O-1550
7. 02-R-1587
8. 02-R-1893
9. 02-R-1857
10. 02-R-1858
11. 02-R-1883
12. 02-R-1901
13. 02-R-1851
14. 02-R-1852
15. 02-R-1729
16. 02-R-1910
17. 02-R-1846
18. 02-R-1862
19. 02-R-1626
20. 02-R-1855
21. 02-R-1876
22. 02-R-1815
23. 02-R-1816
24. 02-R-1817
25. 02-R-1818
26. 02-R-1819
27. 02-R-1820
28. 02-R-1821
29. 02-R-1822
30. 02-R-1823
31. 02-R-1824
32. 02-R-1825
33. 02-R-1826

ITEMS ADVERSED

ON CONSENT AGENDA

34. 02-R-1827
35. 02-R-1828
36. 02-R-1829
37. 02-R-1830
38. 02-R-1831
39. 02-R-1832
40. 02-R-1833
41. 02-R-1834
42. 02-R-1835
43. 02-R-1836
44. 02-R-1837
45. 02-R-1838
46. 02-R-1839
47. 02-R-1841
48. 02-R-1842
49. 02-R-1843
50. 02-R-1844
51. 02-R-1845

Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209)
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)