



OFFICE OF MUNICIPAL CLERK

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December 12, 2002

Bruce F. Morriss
Attorney at Law
34 Peachtree St., NW
One Park Tower, Suite 2580
Atlanta, Georgia 30303

02-R-2042

RE: Gordon Marsh

Dear Attorney Morriss:

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 December 2, 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. 02L0593

Date: November 12, 2002

Claimant /Victim GORDON MARSH
BY: (Atty) Bruce F. Morriss
Address: 34 Peachtree Street, NW, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 08/16/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 02/12/02 Place: 6000 North Terminal Parkway
Department POLICE Division:
Employee involved D. R. Dumas Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was injured during his arrest on the above date. 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. Furthermore, the City is immune from liability as set forth in §36-33-1.

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 X Ministerial
Improper Notice More than Six Months X 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

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: [Signature] Concur/date 11-13-02
Committee Action: Council Action

ITEMS ADOPTED ON CONSENT

AGENDA

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1925 | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926 | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927 | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928 | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929 | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969 | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976 | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095 | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998 | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |
| | | 92. 02-R-2033 |
| | | 93. 02-R-2034 |
| | | 94. 02-R-2035 |
| | | 95. 02-R-2036 |
| | | 96. 02-R-2037 |

ITEMS ADVERSED ON CONSENT

AGENDA

- | | |
|----------------|----------------|
| 97. 02-R-2027 | 107. 02-R-2047 |
| 98. 02-R-2038 | 108. 02-R-2048 |
| 99. 02-R-2039 | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 | |
| 106. 02-R-2046 | |

Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118