Entered - 10/07/02 - sb
CL02L0696 - DIANNE C. MITCHELL

03-R-0024

CLAIM OF: **LASHONIA E. ODOM,**
through her attorney,
David M. Sobell
1720 Peachtree Street, NW
Suite 929
Atlanta, Georgia 30309

CERTIFIED
JAN 21 2003
ATLANTA CITY COUNCIL PRESIDENT

For damages alleged to have been sustained as a result of a vehicular accident on August 13, 2002 at 1820 Ponce de Leon Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
JAN 21 2003
DEPUTY MUNICIPAL CLERK

ADVERSE CITY COUNCIL JAN 21 2003

ADVERSE REPORT
COMM: Public Safety
DATE: 1-14-03
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

January 31, 2003

David M. Sobell
Attorney at Law
1720 Peachtree St., NW
Suite 929
Atlanta, GA 30309

03-R-0024

RE: Lashonia E. Odom

Dear Attorney Sobell:

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 January 21, 2003. 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. **02L0696** Date: December 20, 2002

Claimant /Victim **LASHONIA E. ODOM**
BY: (Atty) David M. Sobell
Address: 1720 Peachtree Street, NW, Suite 929, Atlanta, Georgia 30309
Subrogation: _____ Claim for Property damage $ _____ Bodily Injury $ **Not Stated**
Date of Notice: 09/20/02 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/13/02 Place: 1820 Ponce de Leon Avenue
Department **Fire** Division: _____
Employee involved Juan Harvey Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle struck the vehicle the claimant was driving when he swerved to avoid the driver of a third vehicle who was improperly passing on the right shoulder of the roadway. However, the claimant has failed to provide information necessary 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 _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

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

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 01/02/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 4404
1/21/03
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	5
EXCUSED:	0
ABSENT	0

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

1/21/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda	Items Adversed on the Consent Agenda
1. 02-O-2129	24. 03-R-0003
2. 03-O-0040	25. 03-R-0004
3. 02-O-2132	26. 03-R-0005
4. 02-O-2133	27. 03-R-0006
5. 02-O-2128	28. 03-R-0007
6. 03-O-0047	29. 03-R-0008
7. 03-R-0029	30. 03-R-0009
8. 03-R-0030	31. 03-R-0010
9. 03-R-0025	32. 03-R-0011
10. 03-R-0032	33. 03-R-0012
11. 03-R-0036	34. 03-R-0015
12. 03-R-0058	35. 03-R-0016
13. 03-R-0059	36. 03-R-0017
14. 02-R-1137	37. 03-R-0018
15. 02-R-1628	38. 03-R-0019
16. 02-R-1874	39. 03-R-0021
17. 03-R-0031	40. 03-R-0022
18. 03-R-0046	41. 03-R-0023
19. 02-R-2056	42. 03-R-0024
20. 03-R-0001	
21. 03-R-0002	
22. 03-R-0013	
23. 03-R-0014	

Consent I Vote: 11Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376 for Initial Vote & RCS #4403 for vote to Reconsider)
Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050