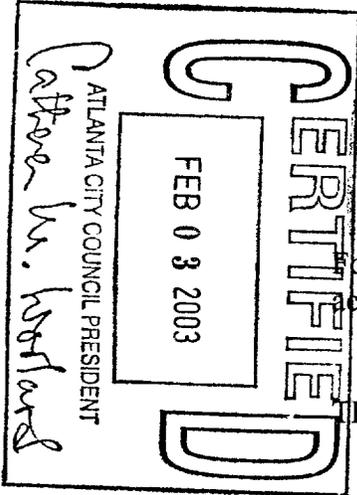


Entered - 12/18/02 - sb  
CL02L0913 - DIANNE C. MITCHELL

CLAIM OF: **PORTABLE JOHN, INC.,**  
through its insurance carrier,  
Specialty Risk Services  
P. O. Box 219034  
Dallas, Texas 75221

03-R-0098



for damages alleged to have been sustained as a result of a vehicular  
accident on May 28, 2002 at 271 Lindbergh Avenue.

THIS ADVERSED REPORT IS APPROVED



BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL FEB 03 2003

**ADVERSE REPORT**

COMM: Public Safety

DATE: 11-28-03

CHAIR: \_\_\_\_\_

Mark DeWood

C. J. ...

...

...

...

...

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0913

Date: January 10, 2003

Claimant /Victim PORTABLE JOHN, INC.
BY: (Ins. Co.) Specialty Risk Services
Address: P. O. Box 219034, Dallas, Texas 75221
Subrogation: X Claim for Property damage \$ 5,241.97 Bodily Injury \$
Date of Notice: 12/10/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 05/28/02 Place: 271 Lindbergh Avenue
Department Police Division:
Employee involved Wesley Tippens Disciplinary Action:

NATURE OF CLAIM: The driver of the City vehicle lost control of the vehicle, struck a tree and then struck the claimant's parked vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that 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 X Ministerial
Improper Notice 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: [Signature] Concur/date 01-16-03
Committee Action Council Action

RCS# 4417  
2/03/03  
2:27 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-7: Except 02-0-2096

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

---

**2/03/03 FULL COUNCIL MEETING**

---

**Items Adopted on the  
Consent Agenda**

1. 03-O-0033
2. 03-O-0123
3. 03-O-0109
4. 02-O-1038
5. 03-O-0105
6. 03-O-0057
7. 03-O-0111
8. 03-R-0121
9. 03-R-0069
10. 03-R-0070
11. 03-R-0071
12. 03-R-0072
13. 03-R-0073
14. 03-R-0074
15. 03-R-0075
16. 03-R-0076
17. 03-R-0077
18. 03-R-0078
19. 03-R-0079
20. 03-R-0126
21. 03-R-0090

**Items Adversed on the Consent  
Agenda**

22. 03-R-0091
23. 03-R-0092
24. 03-R-0093
25. 03-R-0094
26. 03-R-0095
27. 03-R-0096
28. 03-R-0097
29. 03-R-0098
30. 03-R-0099
31. 03-R-0100

---

Consent I Vote: 15Yeas; 0 Nays: (See RCS #4417)  
Item Removed from the Consent Agenda: 02-O-2096