

Entered - 10/08/02 - sb  
CL01L0628 - DIANNE C. MITCHELL

CLAIM OF: **GAIL LAWING,**  
through her attorney,  
**Harvey S. Gray**  
300 Mayfair Royal  
181 14<sup>th</sup> Street, NE  
Atlanta, Georgia

**03-*R*-0516**

For damages alleged to have been sustained as a result of falling in  
an open water meter on August 21, 2001 at 336 Woodward Avenue,  
SE.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**



ADVERSED BY  
Council 4/21/03

**ADVERSE REPORT**

COMM: Public Safety

DATE: 4/1/03

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

Ray Norwood

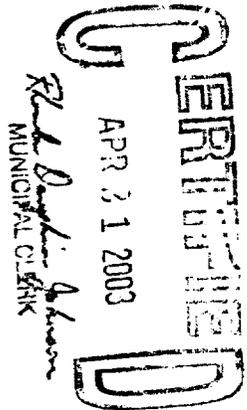
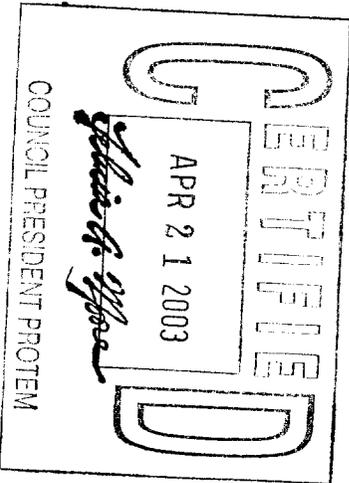
C. T. Monty

Chela Hendler

J. D. [Signature]

[Signature]

[Signature]





CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

April 29, 2003

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6273

Harvey S. Gray  
Attorney at Law  
300 Mayfair Royal  
181 14th Street, NE  
Atlanta, GA 3030

03-R-0516

RE: Gail Lawing

Dear Aattorney Gray:

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 03, 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. 01L0628

Date: March 14, 2003

Claimant /Victim GAIL LAWING  
BY: (Atty) Harvey S. Gray  
Address: 300 Mayfair Royal, 181 14<sup>th</sup> Street, NE, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 25,000.00  
Date of Notice: 10/08/01 Method: Written, proper X Improper       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 08/21/01 Place: 336 Woodward Avenue, SE  
Department      Bureau:       
Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimant alleges she was injured when she fell in an open water meter. The claim was forwarded to United Water Services Atlanta for handling. United Water Services Atlanta has settled this claim with Ms. Lawing.

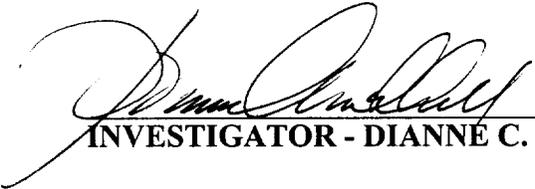
INVESTIGATION:

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

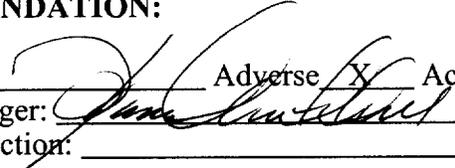
BASIS OF RECOMMENDATION:

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,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01      2P01       
Claims Manager:  Concur/date 03-20-03  
Committee Action:      Council Action

RCS# 4616  
4/21/03  
2:23 PM

Atlanta City Council

Regular Session

CONSENT I            Pgs. 1-19; Except 03-O-0441; 03-O-0391

Adopt

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

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	B Woolard

CONSENT I

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**4/21/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda****Items Adversed on  
the Consent Agenda**

- |               |               |               |                |
|---------------|---------------|---------------|----------------|
| 1. 03-O-0186  | 36. 03-R-0451 | 72. 03-R-0498 |                |
| 2. 03-O-0350  | 37. 03-R-0571 | 73. 03-R-0499 | 81. 03-R-0507  |
| 3. 03-O-0401  | 38. 03-R-0549 | 74. 03-R-0500 | 82. 03-R-0508  |
| 4. 03-O-0442  | 39. 03-R-0555 | 75. 03-R-0501 | 83. 03-R-0509  |
| 5. 03-O-0438  | 40. 03-R-0556 | 76. 03-R-0502 | 84. 03-R-0510  |
| 6. 03-O-0445  | 41. 03-R-0558 | 77. 03-R-0503 | 85. 03-R-0511  |
| 7. 03-O-0446  | 42. 03-R-0559 | 78. 03-R-0504 | 86. 03-R-0512  |
| 8. 03-O-0443  | 43. 03-R-0560 | 79. 03-R-0505 | 87. 03-R-0513  |
| 9. 03-O-0450  | 44. 03-R-0561 | 80. 03-R-0506 | 88. 03-R-0514  |
| 10. 03-O-0485 | 45. 03-R-0562 |               | 89. 03-R-0515  |
| 11. 03-O-0399 | 46. 03-R-0563 |               | 90. 03-R-0516  |
| 12. 03-O-0369 | 47. 03-R-0564 |               | 91. 03-R-0517  |
| 13. 03-O-0416 | 48. 03-R-0572 |               | 92. 03-R-0518  |
| 14. 03-O-0193 | 49. 03-R-0588 |               | 93. 03-R-0519  |
| 15. 03-O-0355 | 50. 03-R-0589 |               | 94. 03-R-0520  |
| 16. 03-O-0359 | 51. 03-R-0590 |               | 95. 03-R-0521  |
| 17. 03-O-0360 | 52. 03-R-0448 |               | 96. 03-R-0522  |
| 18. 03-O-0436 | 53. 03-R-0454 |               | 97. 03-R-0523  |
| 19. 02-O-1543 | 54. 03-R-0528 |               | 98. 03-R-0524  |
| 20. 03-O-0432 | 55. 03-R-0529 |               | 99. 03-R-0525  |
| 21. 03-O-0433 | 56. 03-R-0569 |               | 100. 03-R-0526 |
| 22. 03-O-0434 | 57. 03-R-0570 |               | 101. 03-R-0527 |
| 23. 03-R-0444 | 58. 03-R-0591 |               |                |
| 24. 03-R-0530 | 59. 03-R-0592 |               |                |
| 25. 03-R-0531 | 60. 03-R-0217 |               |                |
| 26. 03-R-0532 | 61. 03-R-0539 |               |                |
| 27. 03-R-0533 | 62. 03-R-0541 |               |                |
| 28. 03-R-0534 | 63. 03-R-0542 |               |                |
| 29. 03-R-0535 | 64. 03-R-0566 |               |                |
| 30. 03-R-0536 | 65. 03-R-0593 |               |                |
| 31. 03-R-0537 | 66. 03-R-0544 |               |                |
| 32. 03-R-0538 | 67. 03-R-0545 |               |                |
| 33. 03-R-0546 | 68. 03-R-0565 |               |                |
| 34. 03-R-0577 | 69. 03-R-0496 |               |                |
| 35. 03-R-0390 | 70. 03-R-0497 |               |                |

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Consent I Vote: 15 Yeas; 0 Nays: (See RCS #4616)

Items Removed from the Consent Agenda: 03-O-0441 & 03-O-0391