

Entered -02-27-03 - sb
CL 03L0148 - GWENDOLYN BURNS

CLAIM OF: **PROGRESSIVE INSURANCE COMPANY**
as subrogee of Janie Miller
P.O. Box 89440
Cleveland, Ohio 44101-6440

03-R-0635

For vehicular damages alleged to have been sustained when from an automobile accident on November 19, 2002 at Argyle Drive, NW & Barrett Drive, NW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **PROGRESSIVE INSURANCE COMPANY** as subrogee of **Janie Miller** the sum of **\$1,142.72** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained when from an automobile accident on November 19, 2002 at Argyle Drive, NW & Barrett Drive, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **2P01/529017/T31001**, Settlement of Suits and Claims, Department of Law.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4/29/03

CHAIR: [Signature]

[Signature]

[Signature]

C. F. Marlyn

[Signature]

[Signature]

[Signature]

BY: [Signature]
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

[Signature]
MAY 13 2003
MAYOR

CERTIFIED
MAY 05 2003
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
MAY 05 2003
Rudolph W. Byrd
MUNICIPAL CLERK

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

03-R-0635

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Progressive Insurance Company as subrogee of Janie Miller** in the sum of **\$1,142.72** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of a automobile accident on November 19, 2002 at Argyle Drive NW & Barrett Drive, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2P01/529017/T31001, Settlement of Suits and Claims, Department of Law.

PROPERTY DAMAGE RELEASE AND INDEMNIFICATION

②

CLAIM NUMBER 03L0148

\$ 1,142.72

IN CONSIDERATION of the sum of ELEVEN HUNDRED AND FORTY-TWO AND 72/100 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Santonia Mobley from any and all **property damage** claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of an automobile accident which occurred on or about the 19th day of November, 2002, at or near Argyle Drive, NW and Barrett Drive, NW.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 19th day of April, 2003.

Cristel Wazelon Jamie Miller (LS)
PROGRESSIVE as subrogee of JANIE MILLER

_____ (LS)

The above release was read and explained to, and signed by the said Cristel Wazelon

in our presence on the date above written.

[Signature]
[Signature]
WITNESSES

5017010
SOLTPWnote

Progressive *BURNS*

P.O. Box 89440 Cleveland Ohio 44101-6440

02/27/03

Date: January 2 2003 *2/26/03*

ENTERED - 2-27-03 - SB
03L0148 - GWEN BURNS

Company: City of Atlanta Sanitations

Adjuster: Risk Mngmt *Lenora Robinson / Diane Mitchell*

Fax/Mail: 1540 Northside Dr Atlanta GA 30318 *404-658-7450*

Our Insured: Janie Miller

Our Claim #: 029216296 CLN

Date of Loss: 11-19-02

Your Insured: City Of Atlanta Sanitations

Your Claim #: Your driver was Santonia Mobley

Total Subro Balance: 1,142.72
(This figure includes our insureds 500.00 deductable)

Please take this as formal notice of our subrogation rights with regards to the above captioned Claim. We have completed our investigation into the facts of the above captioned loss and find That your insured was the proximate cause of the accident.

Please make your draft payable to "**Progressive Insurance, as subrogee of Janie Miller**", in the amount stated above and mail it to the attention of the undersigned at your earliest convenience.

All supporting documentation is enclosed. I have diaried my file ahead fifteen (15) days. Thank you for your anticipated and prompt attention to this matter.

Progressive Insurance Company
Crystal Neitzel
Subrogation Specialist
1-877-818-0139 x35316
1-440-603-5316 (direct line)
1-440-603-2550 (fax)
Crystal_Neitzel@Progressive.com (email)

****Please include my name and claim # on all Correspondance****

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0148

Date: April 17, 2003

Claimant /Victim JANIE MILLER
BY: (Atty) (Ins. Co.) PROGRESSIVE INSURANCE COMPANIES
Address: P.O. Box 89440, Cleveland Ohio
Subrogation: X Claim for Property damage \$ 1,142.72 Bodily Injury \$
Date of Notice: 2/27/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/02 Place: Argyle Drive, NW & Barrett Drive, NW
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Santonia Mobley Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was side-swiped by a City vehicle that made an "improper right turn". An investigation determined that although both drivers were cited on the police report, the "improper right turn" charge was sustained against the city driver in Traffic Court.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months Other Damages reasonable City
not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,142.72 Adverse Account charged: 1A01 2J01 2P01 X 2H01
Claims Manager: [Signature] Concur/date 04-18-03
Committee Action: Council Action

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

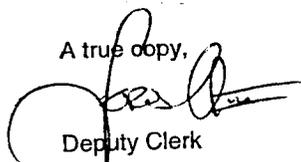
03-R-0635

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Progressive Insurance Company as subrogee of Janie Miller** in the sum of **\$1,142.72** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **as a result of a automobile accident on November 19, 2002 at Argyle Drive NW & Barrett Drive, NW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2P01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,



Deputy Clerk

**ADOPTED by the City Council
APPROVED by the Mayor**

May 5, 2003
May 13, 2003

5/05/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0654
2. 03-O-0657
3. 03-O-0664
4. 03-O-0673
5. 03-O-0674
6. 03-O-0675
7. 03-O-0676
8. 03-O-0548
9. 03-O-0666
10. 03-O-0652
11. 03-O-0107
12. 03-O-0495
13. 03-O-0540
14. 03-O-0567
15. 03-O-0568
16. 03-O-0573
17. 03-O-0594
18. 03-O-0661
19. 02-O-0680
20. 03-O-0435
21. 03-O-0547
22. 03-R-0596
23. 03-R-0597
24. 03-R-0599
25. 03-R-0603
26. 03-R-0604
27. 03-R-0605
28. 03-R-0607
29. 03-R-0366
30. 03-R-0618
31. 03-R-0619
32. 03-R-0620
33. 03-R-0621
34. 03-R-0622
35. 03-R-0623

**Items Adversed on the
Consent Agenda**

58. 03-R-0641
59. 03-R-0642
60. 03-R-0643
61. 03-R-0644
62. 03-R-0646

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays
(See RCS #4667); Reconsidered: 12 Yeas; 1 Nay (See RCS #4708))
Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449

RCS# 4709
5/05/03
6:24 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-15: Except 03-R-0616; 03-O-0672
03-R-0629; 03-O-0449
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT I