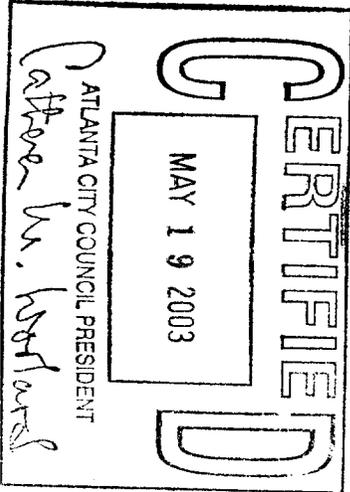


Entered 8-1-02 - sb
CL 02L0519 - GWENDOLYN BURNS

03- R-0732

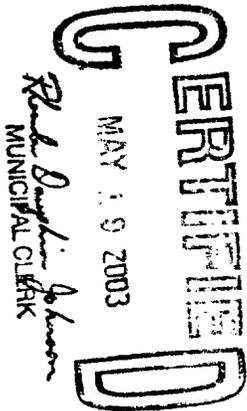
CLAIM OF: ANDRE HALL
through his attorney,
Melvin L. Hewitt, Jr., Esq.
ISENBERG & HEWITT, P.C.
Building 15, Suite 100
7000 Peachtree-Dunwoody Road
Atlanta, Georgia 30328



For vehicular damages alleged to have been sustained from an automobile collision as a result of a malfunctioning traffic light on February 4, 2002 at Mitchell Street & Forsyth Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY D. DELOACH
DEPUTY CITY ATTORNEY

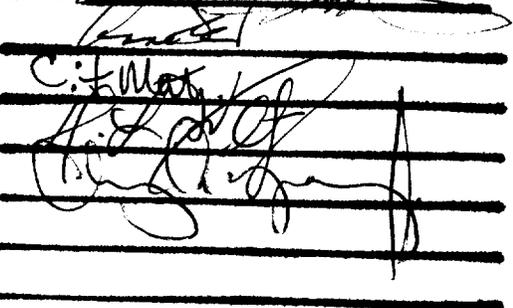


ADVERSE REPORT

**PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

DATE: 5/13/03

CHAIR



Adversed By
Council 5-19-03



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

May 27, 2003

Melvin L. Hewitt, Jr.
Attorney at Law
7000 Peachtree-Dunwoody Rd.
Building 15, Suite 100
Atlanta, GA 30328

03-R-0732

RE: Andre Hall

Dear Attorney Hewitt:

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 May 19, 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. 02L0519

Date: April 29, 2003

Claimant /Victim ANDRE HALL
BY: (Atty) (Ins. Co.) Melvin L. Hewitt, Jr., Esq. ISENBURG & HEWITT, P.C.
Address: Building 15, Suite 100, 7000 Peachtree-Dunwoody Road, Atlanta, Georgia 30328
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$
Date of Notice: 7/25/02 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 2/4/02 Place: Mitchell Street & Forsyth Street
Department PUBLIC WORKS Division Traffic & Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained damage when the vehicle in which he traveled in collided with another vehicle due to a malfunctioning traffic light. However, an investigation determined that the City did not have notice of this problem prior to the claimant's incident. Accordingly, the operation and maintenance of street signs, markings and traffic control devices are governmental functions and the City is protected by sovereign immunity as set forth in O.C.G.A §36-33-1.

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 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,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 05-22-03
Committee Action: Council Action

5/19/03 FULL COUNCIL MEETING

Items Adopted on the Consent Agenda

1. 03-O-0601
2. 03-O-0551
3. 03-O-0552
4. 03-O-0600
5. 03-O-0554
6. 03-O-0617
7. 03-O-0632
8. 03-O-0633
9. 03-O-0660
10. 03-O-0772
11. 03-O-0628
12. 03-O-0759
13. 03-R-0655
14. 03-R-0700
15. 03-R-0701
16. 03-R-0704
17. 03-R-0784
18. 03-R-0785
19. 03-R-0707
20. 03-R-0708
21. 03-R-0709
22. 03-R-0718
23. 03-R-0782
24. 03-R-0713
25. 03-R-0714
26. 03-R-0716
27. 03-R-0760
28. 03-R-0768
29. 03-R-0774
30. 03-R-0776
31. 03-R-0779
32. 03-R-0722
33. 03-R-0723
34. 03-R-0724
35. 03-R-0725

**Items Adversed on the
Consent Agenda**

36. 03-R-0726
37. 03-R-0727
38. 03-R-0728
39. 03-R-0729
40. 03-R-0730
41. 03-R-0731
42. 03-R-0732
43. 03-R-0733
44. 03-R-0734
45. 03-R-0735
46. 03-R-0736
47. 03-R-0737
48. 03-R-0738
49. 03-R-0739
50. 03-R-0740
51. 03-R-0741
52. 03-R-0742
53. 03-R-0743
54. 03-R-0744
55. 03-R-0745
56. 03-R-0746
57. 03-R-0747
58. 03-R-0748
59. 03-R-0749
60. 03-R-0750
61. 03-R-0783

Consent I Vote: 13Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788