

Entered - 03-06-03 - sb
CL 03L0177 - GWENDOLYN BURNS

03-*R*-0796

CLAIM OF: PROGRESSIVE INSURANCE COMPANY
as subrogee of Murlene Parks
P.O. Box 89440
Cleveland, Ohio 44101

ADVERSED
JUN 0 2 2003

For damages alleged to have been sustained as a result of an automobile accident on October 3, 2002 at 467 John Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
JUN 0 2 2003
ATLANTA CITY COUNCIL PRESIDENT
Catherine M. Woodard

CERTIFIED
JUN 0 2 2003
Municipal Clerk
Paula Douglas Brown

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: R.S.
CHAIR: 5/27/03 
C. T. Mair

H. L. [Signature]



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

June 9, 2003

Progressive Insurance Company
as subrogee of Murlene Parks
Attn: Crystal Neitzel
P.O. Box 89440
Cleveland, Ohio 44101

03-R-0796

Dear Ms. Neitzel:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on June 2, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0177

Date: May 12, 2003

Claimant /Victim MURLENE PARKS
BY: (Atty) (Ins. Co.) PROGRESSIVE INSURANCE COMPANY
Address: P.O. Box 89440, Cleveland, Ohio 44101
Subrogation: Claim for Property damage \$ 2,186.45 Bodily Injury \$
Date of Notice: 2/26/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/3/02 Place: 467 John Street, NW
Department POLICE Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that her parked vehicle sustained damage when it was struck by an unknown subject who had stolen and was operating a City vehicle. However, the City is immune from liability pursuant to O.C.G.A. §36-33-1.

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 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 05-14-03
Committee Action: Council Action

RCS# 4761
6/02/03
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-11 Except:03-O-0767; 03-O-0706

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 1
ABSENT 0

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

CONSENT I

06/02/03 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 03-O-0705
2. 03-O-0837
3. 03-O-0717
4. 03-O-0104
5. 03-O-0663
6. 03-O-0711
7. 03-O-0835
8. 03-O-0836
9. 03-O-0840
10. 03-O-0721
11. 03-O-0786
12. 03-O-0587
13. 03-O-0781
14. 02-R-1351
15. 03-R-0822
16. 03-R-0823
17. 03-R-0825
18. 03-R-0828
19. 03-R-0829
20. 03-R-0832
21. 03-R-0833
22. 03-R-0820
23. 03-R-0821
24. 03-R-0845
25. 03-R-0846
26. 03-R-0789
27. 03-R-0790
28. 03-R-0791
29. 03-R-0792
30. 03-R-0793
31. 03-R-0794

**ITEMS ADVERSED
ON CONSENT
AGENDA**

32. 02-R-1076
33. 02-R-1077
34. 02-R-1078
35. 02-R-1079
36. 02-R-1080
37. 02-R-1081
38. 02-R-1082
39. 02-R-1083
40. 02-R-1084
41. 02-R-1085
42. 02-R-1086
43. 02-R-1087
44. 02-R-1088
45. 02-R-1089
46. 02-R-1090
47. 02-R-1091
48. 02-R-1092
49. 02-R-1093
50. 02-R-1094
51. 02-R-1095
52. 02-R-1096
53. 02-R-1097
54. 02-R-1098
55. 02-R-1099

Consent I Vote: 13Yeas; 0Nays: (See RCS #4761)
Items Removed from the Consent Agenda: 03-O-0767; 03-O-0706