

ADVERSED
JUN 02 2003

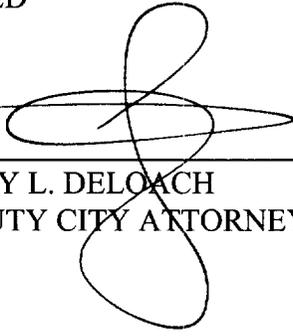
Entered - 04/17/01 - sb
CL - 01L0241 LISA CARTER

CLAIM OF: TRENCH SHORING SERVICES, INC.,
through its attorney, B. Emory Potter
3310 Henderson Mill Road
Suite 203
Atlanta, Georgia 30341

03-*R*-0810

For the alleged payment of materials provided by Trench Shoring Services through Thrasher Trucking Company for improvement and repairs to water pipes in the City of Atlanta.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
JUN 02 2003
ATLANTA CITY COUNCIL PRESIDENT
Catho W. Hoofard

CERTIFIED
JUN 02 2003
P. L. Dugan
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: P.S.
CHAIR: 5/27/03
DeLoach
C. T. Martin
A. L. Hill



CITY OF ATLANTA
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

B. Emory Potter
Attorney at Law
3310 Henderson Mill Rd.
Suite 203
Atlanta, GA 30341

03-R-0810

RE: Trench Shoring Services, Inc.

Dear Attorney Potter:

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 June 02, 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. 01L0241

Date: May 12, 2003

Claimant/Victim Trench Shoring Services
BY: (Atty) (Ins. Co.) Hays & Potter, P.C.
Address: 3310 Henderson Mill Road Suite 203 Atlanta, GA
Subrogation: Claim for Property damage \$ 36,003.36 Bodily Injury \$
Date of Notice: 04/17/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence Place: various locations in Atlanta
Department Water Bureau: Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Trench Shoring Services alleges it is owed a principal sum of \$36,003.36 plus interest for materials provided through Thrasher Trucking Company, for improvement and repairs to water pipes in the City of Atlanta. B. Emory Potter, attorney for claimant, received a judgment against Thrasher Trucking Company and collected all monies due.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral X
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 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,

[Signature]
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 05/22/03
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 ADVERSE
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