

Entered - 04/30/03 - sb
CL03L0323 - DIANNE C. MITCHELL

CLAIM OF: **CEDRIC MOSLEY,**
through his attorney,
David Krugler,
127 Peachtree Street, NE
Suite 1330
Atlanta, Georgia 30303

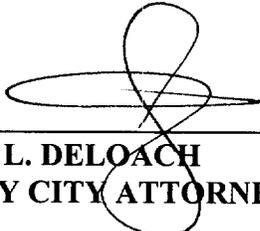
03-R-1148

CERTIFIED
AUG 18 2003
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

For damages alleged to have been sustained as a result of a vehicular accident on November 2, 2002 at Interstate 75/85 northbound at 14th Street.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
AUG 18 2003
Renee D. Rankin
MUNICIPAL CLERK

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED
AUG 18 2003

ADVERSE REPORT

COMM: *Public Safety*
DATE: *7/29/03*
CHAIR: *Chela Kingston*
...
Capt. Martin
Naue Wood
T.J. Bell



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

August 28, 2003

David Krugler
Attorney at Law
127 Peachtree, NE
Suite 1330
Atlanta, GA 30303

03-R-1148

RE: Cedric Mosley

Dear Attorney Krugler:4

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 August 18, 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. 03L0323

Date: July 7, 2003

Claimant /Victim CEDRIC MOSLEY
BY: (Atty) David Krugler
Address: 127 Peachtree Street, NE, Suite 1330, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Not Stated Bodily Injury \$
Date of Notice: 04/23/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/02/02 Place: Interstate 75/85 northbound at 14th Street
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges he was involved in a vehicular accident when he tried to avoid a bedliner that was in the roadway and lost control of his vehicle. The City is immune from liability as set forth in O.C.G.A. §§36-33-1 and 36-33-3.

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,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: [Signature] Concur/date 07-14-03
Committee Action: Council Action

RCS# 4947
8/18/03
2:06 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PGS. 1-11, EXCEPT:03-R-1165,
03-R-1170, 03-R-1171,03-R-1172,03-R-1210
ADOPT

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

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

CONSENT I

RCS# 4948
8/18/03
2:07 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I
03-R-1170, 03-R-1171, 03-R-1172, 03-R-1210
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 1
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

		8/18/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1105	31. 03-R-1138	38. 03-R-1145
2. 03-O-0720	32. 03-R-1139	39. 03-R-1146
3. 03-O-0780	33. 03-R-1140	40. 03-R-1147
4. 03-R-1169	34. 03-R-1141	41. 03-R-1148
5. 03-R-1197	35. 03-R-1142	42. 03-R-1149
6. 03-R-1198	36. 03-R-1143	43. 03-R-1150
7. 03-R-1199	37. 03-R-1144	44. 03-R-1151
8. 03-R-1200		45. 03-R-1152
9. 03-R-1201		46. 03-R-1153
10. 03-R-1168		47. 03-R-1154
11. 03-R-1170		48. 03-R-1155
12. 03-R-1171		49. 03-R-1156
13. 03-R-1172		50. 03-R-1157
14. 03-R-1209		51. 03-R-1158
15. 03-R-1210		52. 03-R-1159
16. 03-R-1173		53. 03-R-1160
17. 03-R-1174		54. 03-R-1161
18. 03-R-1184		55. 03-R-1162
19. 03-R-1189		56. 03-R-1163
20. 03-R-1190		57. 03-R-1164
21. 03-R-1211		
22. 03-R-1194		
23. 03-R-1195		
24. 03-R-1196		
25. 03-R-1176		
26. 03-R-1177		
27. 03-R-1178		
28. 03-R-1179		
29. 03-R-1180		
30. 03-R-1192		

Consent I Vote: 13 Yeas; 0Nays: (See RCS #4947)

Items Removed from the Consent Agenda: 03-R-1165; Mitchell abstained on 03-R-1170; 03-R-1171; 03-R-1172; & 03-R-1210