

Entered - 07/09/03 - sb
CL03L0559 - DIANNE C. MITCHELL

CLAIM OF: **ARLENTHIA CARTER** as parent and natural guardian of **Nikale Handspike**, through their attorney, **Charles E. Lake, Jr.**
34 Peachtree Street, NW
One Park Tower, Suite 2280
Atlanta, Georgia 30303

03-R-1159

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 May 21, 2003 at Lloyd Road and Whites Mill Road.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
AUG 18 2003
Municipal Clerk
Rachel D. Handspike

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED
AUG 18 2003

ADVERSE REPORT
COMM Public Safety
DATE 7/29/03
CHAIR *Cela*
...
C. J. Martin
Clayton
H. P. Kelly



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

Charles E. Lake, Jr.
Attorney at Law
34 Peachtree Street, NW
One Park Tower, Suite 2280
Atlanta, GA 30303

03-R-1159

RE: 03-R-1159

Dear Mr. Lake:

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. 03L0559

Date: July 14, 2003

Claimant /Victim ARLENTHIA CARTER as parent and natural guardian of Nikale Handspike
BY: (Atty.) Charles E. Lake, Jr.
Address: 34 Peachtree Street, NW, One Park Tower, Suite 2280, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ _____ Bodily Injury \$ Not Stated
Date of Notice: 07/01/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/30/03 Place: Lloyd Road and Whites Mill Road
Department _____ Bureau: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her minor child was injured in a vehicular accident. However, the other vehicle involved in this accident was a MARTA bus. MARTA is a separate legal entity from the City of Atlanta. The claimant, through her attorney, has been advised to pursue her claim directly with MARTA.

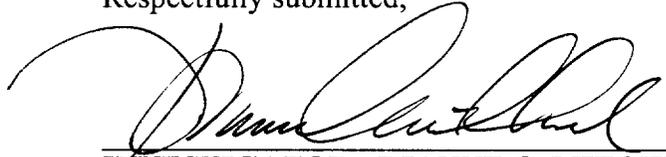
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
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,



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