

Entered - 07-16-03 - dp
CL 03L0584 - GWENDOLYN BURNS

03-R-1239

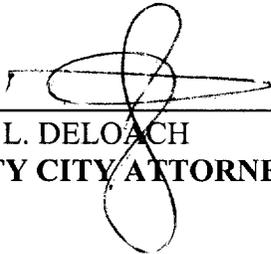
CLAIM OF:

STATE FARM INSURANCE COMPANIES
as subrogee of Isaiah Jacobs
11350 Johns Creek Parkway
Duluth, Georgia 30096-9403

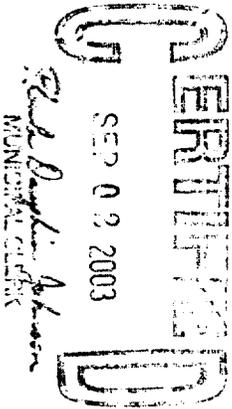
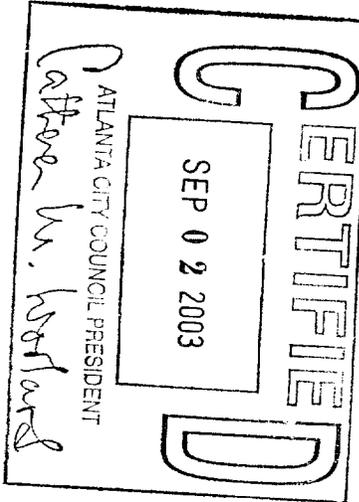
For vehicular damages alleged to have been sustained after driving
over a speed hump on May 26, 2003 at 1517 Fairview Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/26/03

CHAIR: _____

C. T. Martin

Handwritten signature

Handwritten signature

ADVERSED
SEP 02 2003



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 5, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

State Farm Insurance Companies
as subrogee of Isaiah Jacobs
Attn: David J. Schoenl
11350 Johns Creek Parkway
Duluth, GA 30096-9403

03-R-1239

Dear Mr. Schhoenl:

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 September 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. 03L0584

Date: August 11, 2003

Claimant /Victim ISAIAH JACOBS
BY: (Atty) (Ins. Co.) STATE FARM INSURANCE COMPANIES
Address: 11350 Johns Creek Parkway, Duluth, Georgia 30096-9403
Subrogation: Claim for Property damage \$ Unspecified Bodily Injury \$
Date of Notice: 7/14/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/26/03 Place: 1506 Fairview Road
Department PUBLIC WORKS Division Traffic & Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when it was driven over a speed hump. However, a prior investigation of this incident determined that the Claimant's spouse and driver of the vehicle, Chalandra Jacobs, was unsure of the date of her incident. Ms. Jacobs indicated that although her claim form and police incident report indicates June 3 as the date of incident, she believed the actual date was either May 27 or May 28, 2003. A review of City records show that the speed hump was an unauthorized and illegal structure that had been placed in the roadway by someone in the community and not the City. Moreover, the investigation confirmed that the City was notified of the structure on May 28, 2003 and removed said structure on the same day. Finally, the records showed that the City did not have notice of any complaints or problems with the roadway prior to Claimant's alleged actual dates. (See claim #03L0460)

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: [Signature] Concur/date 08-12-03
Committee Action: Council Action

RCS# 4975
9/02/03
1:20 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-18, EXCEPT;03-R-1310

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

		9/02/03 Full Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1175	44. 03-R-1220	81. 03-R-1258
2. 03-O-1351	45. 03-R-1221	82. 03-R-1259
3. 03-O-1166	46. 03-R-1222	83. 03-R-1260
4. 03-O-1167	47. 03-R-1223	84. 03-R-1261
5. 03-O-1355	48. 03-R-1224	85. 03-R-1262
6. 03-O-1203	49. 03-R-1225	86. 03-R-1263
7. 03-O-1204	50. 03-R-1226	87. 03-R-1264
8. 03-O-1205	51. 03-R-1227	88. 03-R-1265
9. 03-O-0827	52. 03-R-1228	89. 03-R-1266
10. 03-O-1357	53. 03-R-1229	90. 03-R-1267
11. 03-R-1338	54. 03-R-1230	91. 03-R-1268
12. 03-R-1312	55. 03-R-1231	92. 03-R-1269
13. 03-R-1313	56. 03-R-1232	93. 03-R-1270
14. 03-R-1353	57. 03-R-1234	94. 03-R-1271
15. 03-R-1202	58. 03-R-1235	95. 03-R-1272
16. 03-R-1301	59. 03-R-1236	96. 03-R-1273
17. 03-R-1320	60. 03-R-1237	97. 03-R-1274
18. 03-R-1321	61. 03-R-1238	98. 03-R-1275
19. 03-R-1322	62. 03-R-1239	99. 03-R-1276
20. 03-R-1331	63. 03-R-1240	100. 03-R-1277
21. 03-R-1332	64. 03-R-1241	101. 03-R-1278
22. 03-R-1333	65. 03-R-1242	102. 03-R-1279
23. 03-R-1334	66. 03-R-1243	103. 03-R-1280
24. 03-R-1314	67. 03-R-1244	104. 03-R-1281
25. 03-R-1318	68. 03-R-1245	105. 03-R-1282
26. 03-R-1325	69. 03-R-1246	106. 03-R-1283
27. 03-R-1327	70. 03-R-1247	107. 03-R-1284
28. 03-R-1328	71. 03-R-1248	108. 03-R-1285
29. 03-R-1288	72. 03-R-1249	109. 03-R-1286
30. 03-R-1289	73. 03-R-1250	110. 03-R-1287
31. 03-R-1290	74. 03-R-1251	111. 03-R-1304
32. 03-R-1291	75. 03-R-1252	112. 03-R-1305
33. 03-R-1292	76. 03-R-1253	113. 03-R-1306
34. 03-R-1293	77. 03-R-1254	114. 03-R-1307
35. 03-R-1294	78. 03-R-1255	115. 03-R-1308
36. 03-R-1295	79. 03-R-1256	
37. 03-R-1296	80. 03-R-1257	
38. 03-R-1297		
39. 03-R-1298		
40. 03-R-1299		
41. 03-R-1300		
42. 03-R-1302		
43. 03-R-1303		