

Entered - 07/08/03 - sb  
CL - 03L0550 LISA CARTER

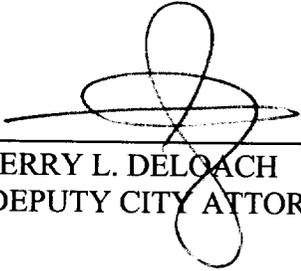
CLAIM OF: AVA CARY, through her attorney  
Scott A. I. Hart  
1800 Peachtree Street, NW  
Suite 800  
Atlanta, Georgia 30309

03-*R*-1403

**CERTIFIED**  
SEP 15 2003  
ATLANTA CITY COUNCIL PRESIDENT  
*Latha M. Hubbard*

For injuries alleged to have been sustained as a result of an automobile accident on March 23, 2003 on Interstate 85 Northbound Expressway.

THIS ADVERSED REPORT IS APPROVED

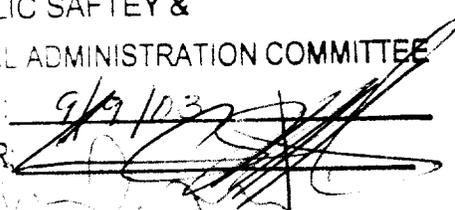
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

**CERTIFIED**  
SEP 15 2003  
*Rod Dugan*  
MUNICIPAL CLERK

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: *9/9/03*

CHAIR: 

*Mary Norwood*

*A. G. J. G.*

\_\_\_\_\_



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

HONDA 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

September 30, 2003

Scott A. I. Hart  
Attorney at Law  
1800 Peachtree St., NW  
Suite 800  
Atlanta, GA 30309

03-R-1403

RE: Ava Cary

Dear Attorney Hart:

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 September 15, 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. 03L0550

Date: August 26, 2003

Claimant /Victim AVA CARY

BY: (Atty) (Ins. Co.) Scott A.I. Hart

Address: 1800 Peachtree Street, NW Suite 800 Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ 50,000.00 Bodily Injury \$           

Date of Notice: 07/02/03 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 03/23/03 Place: Interstate 85 Northbound Expressway NE

Department Police Services Bureau:            Division:           

Employee involved Gary Kwitkin Disciplinary Action: No action taken

NATURE OF CLAIM: Claimant alleges that she sustained injuries due to a vehicular accident with a City Police Officer. However, an investigation determined that the accident was unavoidable. The driver of the vehicle in which the claimant was a passenger, struck the city vehicle causing both vehicles to spin out across all northbound lanes of traffic and resting on the median wall.

INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures X Diagrams            Reports: Police X Dept Report X Other           

Traffic citations issued: City Driver            Claimant Driver X

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,

*Lisa Carter*

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2P01           

Claims Manager: [Signature] Concur/date 08-27-03

Committee Action:            Council Action

RCS# 5027  
9/15/03  
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449  
03-R-1460, 03-R-1463  
ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 2

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

CONSENT I

9-15-03 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1347	35. 03-R-1399
2. 03-O-1451	36. 03-R-1400
3. 03-O-1311	37. 03-R-1401
4. 03-O-1443	38. 03-R-1402
5. 03-O-1319	39. 03-R-1403
6. 03-O-1317	40. 03-R-1404
7. 03-O-1441	41. 03-R-1405
8. 03-O-1447	42. 03-R-1406
9. 03-O-1109	43. 03-R-1407
10. 03-O-1329	44. 03-R-1408
11. 03-O-1330	45. 03-R-1409
12. 03-R-1371	46. 03-R-1410
13. 03-R-1372	47. 03-R-1411
14. 03-R-1373	48. 03-R-1412
15. 03-R-1374	49. 03-R-1413
16. 03-R-1437	50. 03-R-1414
17. 03-R-1458	51. 03-R-1415
18. 03-R-1459	52. 03-R-1416
19. 03-R-1383	53. 03-R-1417
20. 03-R-1446	54. 03-R-1418
21. 03-R-1456	55. 03-R-1419
22. 03-R-1316	56. 03-R-1420
23. 03-R-1337	57. 03-R-1421
24. 03-R-1381	58. 03-R-1422
25. 03-R-1382	59. 03-R-1423
26. 03-R-1449	60. 03-R-1424
27. 03-R-1390	61. 03-R-1425
28. 03-R-1392	62. 03-R-1426
29. 03-R-1393	63. 03-R-1427
30. 03-R-1394	64. 03-R-1428
31. 03-R-1395	65. 03-R-1429
32. 03-R-1396	66. 03-R-1430
33. 03-R-1397	67. 03-R-1431
34. 03-R-1398	68. 03-R-1432

Consent I Vote: 10 Yeas; 0Nays: (See RCS #5027) ; 9Yeas; 0Nays: (See RCS #5008)  
 Items Removed from the Consent Agenda: 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;