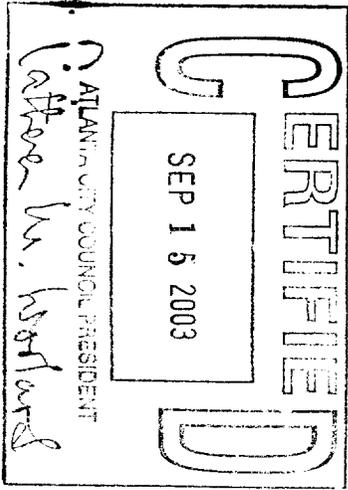


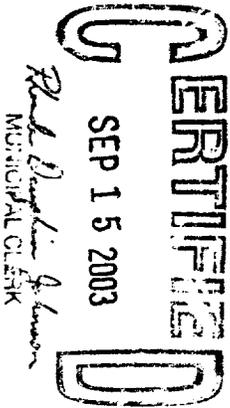
Entered 06-26-03 dp
CL 03L0524 GWENDOLYN BURNS

03-R -1424



CLAIM OF: ED HELLER
on behalf of his deceased spouse,
PATRICIA HELLER,
through his attorney,
James Hugh Potts, II
Monarch Plaza
3414 Peachtree Road, NE
Suite 1130
Atlanta, Georgia 30326

For damages alleged to have been sustained from a wrongful death due to an automobile accident on January 29, 2003 at Interstate 85 and North Central Avenue.



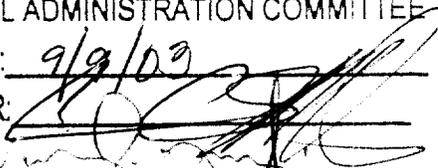
THIS ADVERSED REPORT IS APPROVED

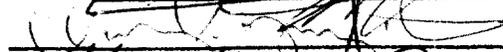
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

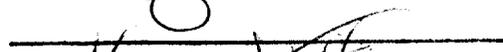
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 9/9/03

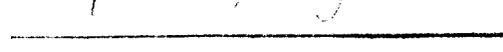
CHAIR: 















OFFICE OF MUNICIPAL CLERK

HONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 30, 2003

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

James Hugh Potts, II
Attorney at Law
Monarch Plaza
3414 Peachtree Rd., NE Suite 1130
Atlanta, GA 30326

03-R-1424

RE: Ed Heller:

Dear Attorney Potts:

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. 03L0524

Date: August 26, 2003

Claimant /Victim ED HELLER on behalf of his deceased spouse, PATRICIA HELLER
BY: (Atty) (Ins. Co.) James Hugh Potts, II, Esq.
Address: Monarch Plaza, 3414 Peachtree Road, NE, Suite 1130, Atlanta, Georgia 30329
Subrogation: Claim for Property damage:\$ \$15,000,000.00 Bodily Injury \$
Date of Notice: 6/20/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/29/03 Place: I-85 North @ North Central Avenue, NE
Department POLICE Division Bureau of Vehicles for Hire
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that the wrongful death of his spouse occurred when the taxicab that she rode in crashed due to "slick tires" that the City allowed to remain on the vehicle for hire as a result of an improper inspection. However, an investigation determined that on January 28, 2003, the vehicle passed inspection and there were no violations found by the City. Notwithstanding this fact, the Department of Police is a governmental function and is protected by sovereign immunity for all operations as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
Pictures Diagrams Reports: Police Dept Report Other X
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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 08/29/03
Committee Action: Council Action

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
<ol style="list-style-type: none"> 1. 03-O-1347 2. 03-O-1451 3. 03-O-1311 4. 03-O-1443 5. 03-O-1319 6. 03-O-1317 7. 03-O-1441 8. 03-O-1447 9. 03-O-1109 10. 03-O-1329 11. 03-O-1330 12. 03-R-1371 13. 03-R-1372 14. 03-R-1373 15. 03-R-1374 16. 03-R-1437 17. 03-R-1458 18. 03-R-1459 19. 03-R-1383 20. 03-R-1446 21. 03-R-1456 22. 03-R-1316 23. 03-R-1337 24. 03-R-1381 25. 03-R-1382 26. 03-R-1449 27. 03-R-1390 28. 03-R-1392 29. 03-R-1393 30. 03-R-1394 31. 03-R-1395 32. 03-R-1396 33. 03-R-1397 34. 03-R-1398 	<ol style="list-style-type: none"> 35. 03-R-1399 36. 03-R-1400 37. 03-R-1401 38. 03-R-1402 39. 03-R-1403 40. 03-R-1404 41. 03-R-1405 42. 03-R-1406 43. 03-R-1407 44. 03-R-1408 45. 03-R-1409 46. 03-R-1410 47. 03-R-1411 48. 03-R-1412 49. 03-R-1413 50. 03-R-1414 51. 03-R-1415 52. 03-R-1416 53. 03-R-1417 54. 03-R-1418 55. 03-R-1419 56. 03-R-1420 57. 03-R-1421 58. 03-R-1422 59. 03-R-1423 60. 03-R-1424 61. 03-R-1425 62. 03-R-1426 63. 03-R-1427 64. 03-R-1428 65. 03-R-1429 66. 03-R-1430 67. 03-R-1431 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;