

Entered 1-22-03 - sb  
CL 03L0058 - GWENDOLYN BURNS

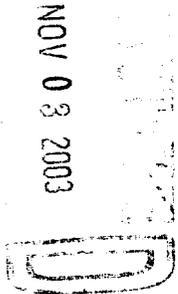
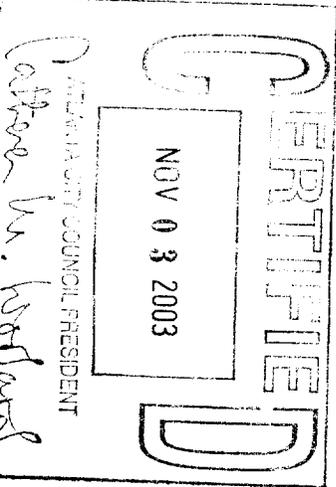
CLAIM OF: STEVEN B. DRUCKER, ESQ. 03-R-1752  
859 Wildwood Road, NE  
Atlanta, Georgia 30324

For vehicular damages alleged to have been sustained from a driving over a water construction site that was left in an open and unsafe condition on November 16, 2002 at 10<sup>th</sup> Street, NW & Hemphill Avenue, NW.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



ADVERSED  
NOV 03 2003

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: P.S.

CHAIR: 10/28/03

[Signature]  
[Signature]  
[Signature]



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

November 10, 2003

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

Steven B. Drucker, Esq  
859 Wildwood Road, Ne  
Atlanta, Georgia 30324

03-R-1752

Dear Mr. Drucker:

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 November 3, 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.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0058

Date: October 14, 2003

Claimant /Victim STEVEN B. DRUCKER, ESQ.
BY: (Atty) (Ins. Co.)
Address: 859 Wildwood Road, NE, Atlanta, Georgia 30324
Subrogation: Claim for Property damage \$ 395.22 Bodily Injury \$
Date of Notice: 12/23/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/16/02 Place: 10th Street, NW & Hemphill Avenue, NW
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he drove over a water construction site that was left open and in an unsafe condition. However an investigation determined that United Water Services Atlanta, Inc. Was responsible for the construction work at the subject location. The claim was forwarded to and resolved by United Water Services Atlanta, Inc.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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 Ministerial
Improper Notice More than Six Months Other X 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,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager: Concur/date 10/14/03
Committee Action: Council Action



RCS# 5123  
11/03/03  
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1860

ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

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

CONSENT I

RCS# 5124  
11/03/03  
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I 03-R-1676

ADOPT

YEAS: 9  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 3

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

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 03-O-1721 2. 03-O-1723 3. 03-O-1835 4. 03-O-1848 5. 03-O-1678 6. 03-O-1679 7. 03-O-1680 8. 03-O-1681 9. 03-O-1682 10. 03-O-1683 11. 03-O-1684 12. 03-O-1494 13. 03-O-1651 14. 03-O-1652 15. 03-O-1689 16. 03-O-1700 17. 03-O-1701 18. 03-O-1829 19. 03-O-1695 20. 03-O-1375 21. 03-O-1511 22. 03-O-1666 23. 03-O-1667 24. 03-O-1838 25. 03-R-1504 26. 03-R-1658 27. 03-R-1808 28. 03-R-1860 29. 03-R-1861 30. 03-R-1815 31. 03-R-1816 32. 03-R-1817 33. 03-R-1676 34. 03-R-1800 35. 03-R-1804 36. 03-R-1866 37. 03-R-1668 38. 03-R-1810 39. 03-R-1811 40. 03-R-1863	41. 03-R-1869 42. 03-R-1870 43. 03-R-1873 <b>Items Adversed on Consent</b> 44. 03-R-1729 45. 03-R-1730 46. 03-R-1731 47. 03-R-1732 48. 03-R-1733 49. 03-R-1734 50. 03-R-1735 51. 03-R-1736 52. 03-R-1737 53. 03-R-1738 54. 03-R-1739 55. 03-R-1740 56. 03-R-1741 57. 03-R-1742 58. 03-R-1743 59. 03-R-1744 60. 03-R-1745 61. 03-R-1746 62. 03-R-1747 63. 03-R-1748 64. 03-R-1749 65. 03-R-1750 66. 03-R-1751 67. 03-R-1752 68. 03-R-1753 69. 03-R-1754 70. 03-R-1755 71. 03-R-1756 72. 03-R-1757 73. 03-R-1758 74. 03-R-1759 75. 03-R-1760 76. 03-R-1761 77. 03-R-1762 78. 03-R-1763 79. 03-R-1764	80. 03-R-1765 81. 03-R-1766 82. 03-R-1767 83. 03-R-1768 84. 03-R-1769 85. 03-R-1770 86. 03-R-1771 87. 03-R-1772 88. 03-R-1773 89. 03-R-1774 90. 03-R-1775 91. 03-R-1776 92. 03-R-1777 93. 03-R-1778 94. 03-R-1779 95. 03-R-1780 96. 03-R-1781 97. 03-R-1782 98. 03-R-1783 99. 03-R-1784 100. 03-R-1785 101. 03-R-1786 102. 03-R-1787 103. 03-R-1788 104. 03-R-1789 105. 03-R-1790 106. 03-R-1791 107. 03-R-1792 108. 03-R-1793 109. 03-R-1794 110. 03-R-1795 111. 03-R-1796 112. 03-R-1797 113. 03-R-1798 114. 03-R-1799 115. 03-R-1840 116. 03-R-1003