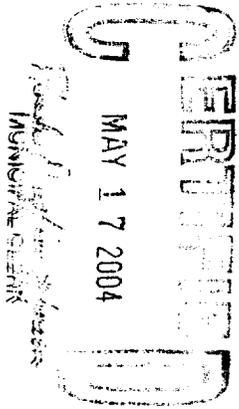


Entered - 12/30/03 - sb
CL03L0993 - DIANNE C. MITCHELL

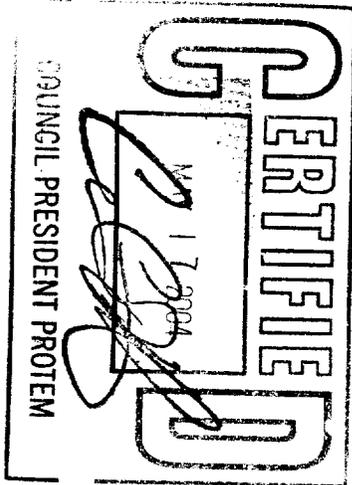
CLAIM OF: **KENNETH BROOKS,**
through his attorney,
Robert N. Susko
3017 Piedmont Road, NE
Suite 100
Atlanta, Georgia 30305

04-R -0842



For damages alleged to have been sustained as a result of a vehicular accident on May 14, 2003 at 1189 Henrico Road, Conley, Georgia.

THIS ADVERSED REPORT IS APPROVED



BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/11/04

CHAIR: A. G. Smith

C. T. Martin

Harvey Smith

Carla Smith

ADVERSED

MAY 17 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 24, 2004

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

Robert N. Susko
Attorney at Law
3017 Piedmont Rd., NE
Suite 100
Atlanta, GA 30305

04-R-0842

RE: Kenneth Brooks

Dear Attorney Susko:

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 May 17, 2004. 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. 03L0993

Date: April 21, 2004

Claimant /Victim KENNETH BROOKS
BY: (Atty) Robert N. Susko
Address: 3017 Piedmont Road, NE, Suite 100, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 11/26/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 05/14/03 Place: 1189 Henrico Road, Conley, Georgia
Department Public Works Bureau: Solid Waste Services
Employee involved Kenneth Brooks Disciplinary Action:

NATURE OF CLAIM: The claimant, a City employee, alleges he was injured on the job while attempting to dump waste at the Live Oak Landfill. The claimant's exclusive remedy against the City of Atlanta for injuries received during the course of his employment is through his Workers' Compensation benefits. The claimant's attorney has been advised to pursue his personal injury claim through the City's Workers' Compensation Division in the Department of Finance.

INVESTIGATION:

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

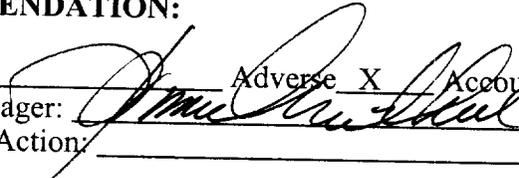
BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X
Improper Notice More than Six Months X 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,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager:  Concur/date 04/28/04
Committee Action: Council Action

RCS# 5712
5/17/04
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876
04-R-0911 04-R-0835 04-R-0882
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith
Y Starnes
Y Young

Y Winslow
Y Archibong
Y Fauver

Y Shook
Y Muller
Y Moore

Y Martin
B Maddox
Y Mitchell

Y Norwood
Y Willis

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0858	41. 04-R-0813
2. 04-O-0869	42. 04-R-0865
3. 04-O-0372	43. 04-R-0824
4. 04-O-0373	44. 04-R-0825
5. 04-O-0641	45. 04-R-0826
6. 04-O-0642	46. 04-R-0827
7. 04-O-0646	47. 04-R-0828
8. 04-O-0648	ITEMS ADVERSED
9. 04-O-0650	ON CONSENT
10. 04-O-0652	48. 04-R-0829
11. 04-O-0653	49. 04-R-0830
12. 04-O-0656	50. 04-R-0831
13. 04-O-0657	51. 04-R-0832
14. 04-O-0874	52. 04-R-0833
15. 04-O-0488	53. 04-R-0834
16. 04-O-0700	54. 04-R-0836
17. 04-O-0872	55. 04-R-0837
18. 04-O-0660	56. 04-R-0838
19. 04-O-0661	57. 04-R-0839
20. 04-O-0873	58. 04-R-0840
21. 03-R-2228	59. 04-R-0841
22. 04-R-0805	60. 04-R-0842
23. 04-R-0806	61. 04-R-0843
24. 04-R-0808	62. 04-R-0844
25. 04-R-0809	63. 04-R-0845
26. 04-R-0822	64. 04-R-0846
27. 04-R-0859	
28. 04-R-0882	
29. 04-R-0889	
30. 04-R-0369	
31. 04-R-0870	
32. 04-R-0876	
33. 04-R-0815	
34. 04-R-0847	
35. 04-R-0862	
36. 04-R-0863	
37. 04-R-0821	
38. 04-R-0807	
39. 04-R-0811	
40. 04-R-0812	