

Entered - 04/21/04 - sb
CL - 04L0264 LISA CARTER

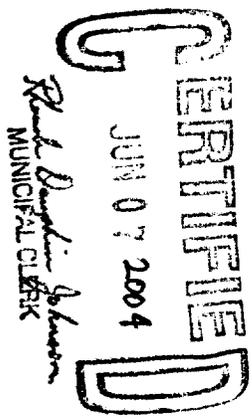
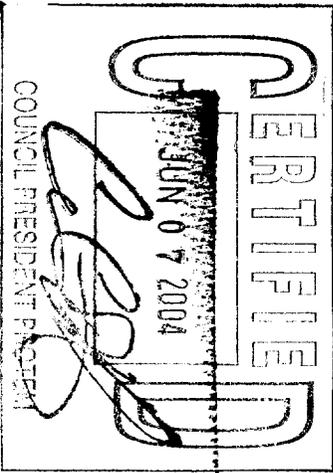
CLAIM OF: SHIRLEY BROWN, through her attorney
Isaac O. Babalola
4319 Covington Highway Suite 309 A
Decatur, Georgia 30035

04-R-0960

For damages alleged to have been sustained as a result of a slip
and fall incident on February 12, 2004 at 2 Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 6/1/04
CHAIR [Signature]
[Signature]
[Signature]
[Signature]
[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

June 11, 2004

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

Issac O. Babalola
Attorney at Law
4319 Covington Highway
Suite 309 A
Decatur, Georgia 30035

04-R-0960

RE: Shirley Brown

Dear Attorney Babalola:

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 June 07, 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. 04L0264

Date: May 18, 2004

Claimant /Victim SHIRLEY BROWN
BY: (Atty) (Ins. Co.) Isaac O. Babalola
Address: 4319 Covington Highway Suite 309 A Decatur, Georgia 30035
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Specified
Date of Notice: 04/29/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/12/04 Place: 2 Peachtree Street
Department Public Works Bureau: Solid Waste Services Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result a result of a slip and fall incident due to an orange peel on the sidewalk at 2 Peachtree Street. However, the city was not on notice of the existence of the orange peel prior to the incident involving the claimant.

INVESTIGATION:

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

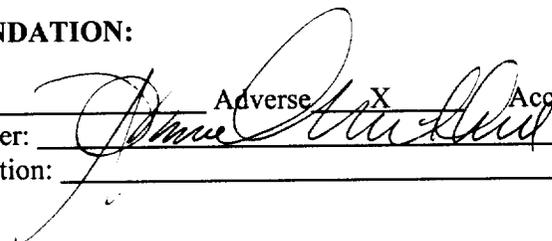
BASIS OF RECOMMENDATION:

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,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 05/19/04
Committee Action: Council Action

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S)1-17, EXCEPT: 04-R-1017
04-O-0932 04-O-0933 04-R-0986
ADOPT

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

| | | | | |
|-----------|-------------|----------|----------|------------|
| E Smith | Y Winslow | Y Shook | Y Martin | Y Mitchell |
| B Starnes | Y Archibong | Y Muller | Y Maddox | Y Norwood |
| Y Young | Y Fauver | Y Moore | Y Mosley | Y Willis |

CONSENT I

| | | 6-07-04 Council Meeting |
|--------------------------|--------------------------|---------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 04-O-0802 | 43. 04-R-1023 | 83. 04-R-0975 |
| 2. 04-O-0803 | 44. 04-R-1024 | 84. 04-R-0976 |
| 3. 04-O-0804 | 45. 04-R-1025 | 85. 04-R-0977 |
| 4. 04-O-0877 | 46. 04-R-0979 | 86. 04-R-0978 |
| 5. 04-O-0930 | 47. 04-R-0980 | |
| 6. 04-O-0924 | 48. 04-R-0981 | |
| 7. 04-O-0929 | 49. 04-R-0982 | |
| 8. 04-O-0787 | 50. 04-R-0983 | |
| 9. 04-O-0654 | 51. 04-R-0984 | |
| 10. 04-O-0655 | 52. 04-R-0985 | |
| 11. 04-O-0817 | ITEMS ADVERSED | |
| 12. 04-O-0818 | ON CONSENT | |
| 13. 04-O-0819 | 53. 04-R-0944 | |
| 14. 04-O-0820 | 54. 04-R-0945 | |
| 15. 04-O-0939 | 55. 04-R-0946 | |
| 16. 04-R-1002 | 56. 04-R-0947 | |
| 17. 04-R-1003 | 57. 04-R-0948 | |
| 18. 04-R-1004 | 58. 04-R-0949 | |
| 19. 04-R-1005 | 59. 04-R-0950 | |
| 20. 04-R-1010 | 60. 04-R-0951 | |
| 21. 04-R-1011 | 61. 04-R-0952 | |
| 22. 04-R-1012 | 62. 04-R-0953 | |
| 23. 04-R-1015 | 63. 04-R-0954 | |
| 24. 04-R-0935 | 64. 04-R-0955 | |
| 25. 04-R-1008 | 65. 04-R-0956 | |
| 26. 04-R-1000 | 66. 04-R-0957 | |
| 27. 04-R-1001 | 67. 04-R-0958 | |
| 28. 04-R-0942 | 68. 04-R-0959 | |
| 29. 04-R-0927 | 69. 04-R-0960 | |
| 30. 04-R-0943 | 70. 04-R-0962 | |
| 31. 04-R-1019 | 71. 04-R-0963 | |
| 32. 04-R-0635 | 72. 04-R-0964 | |
| 33. 04-R-0989 | 73. 04-R-0965 | |
| 34. 04-R-0991 | 74. 04-R-0966 | |
| 35. 04-R-0993 | 75. 04-R-0967 | |
| 36. 04-R-0814 | 76. 04-R-0968 | |
| 37. 04-R-0926 | 77. 04-R-0969 | |
| 38. 04-R-0994 | 78. 04-R-0970 | |
| 39. 04-R-0995 | 79. 04-R-0971 | |
| 40. 04-R-0996 | 80. 04-R-0972 | |
| 41. 04-R-0997 | 81. 04-R-0973 | |
| 42. 04-R-0998 | 82. 04-R-0974 | |