Entered - 04/14/04 - sb
CL04L0243 - DIANNE C. MITCHELL

**04- R -0974**

CLAIM OF: **ANNETTE NOWELL**
**1107 Summerstone Trace**
**Austell, Georgia 30168**

CERTIFIED
JUN 07 2004
COUNCIL PRESIDENT PRO TEM

For damages alleged to have been sustained as a result of a vehicular accident on September 9, 2003 at 923 Joseph E. Lowery Boulevard, SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____
**JERRY L. DELOACH**
**DEPUTY CITY ATTORNEY**

CERTIFIED
JUN 07 2004
MUNICIPAL CLERK

# ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE 6/1/04
C. T. Martin
Carla Smith
Cleta Winslow

# OFFICE OF MUNICIPAL CLERK

RHONDA 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

June 11, 2004

Annette Nowell
1107 Summerstone Trace
Austell, Georgia 30168

**04-R-0974**

Dear Ms. Nowell:

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 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **04L0243** Date: May 14, 2004

Claimant /Victim **ANNETTE NOWELL**
BY: (Atty)(Ins. Co.)
Address: 1107 Summerstone Trace, Austell, Georgia 30168
Subrogation: _____ Claim for Property damage $ **492.78** Bodily Injury $ _____
Date of Notice: 03/30/04 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____
Date of Occurrence 09/09/03 Place: 923 Joseph E. Lowery Boulevard, SW
Department **Police** Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her vehicle was damaged when it was struck by the driver of a private vehicle who was eluding police. The City is immune from liability as set forth in O.C.G.A. §36-33-3. Furthermore, the claim as presented does not comply with the state requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

**INVESTIGATION:**

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
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 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 05/18/04
Committee Action: _____ Council Action _____

FORM 23-61

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 |

| | | 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 ON CONSENT** | |
| 12. 04-O-0818 | | |
| 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 | |