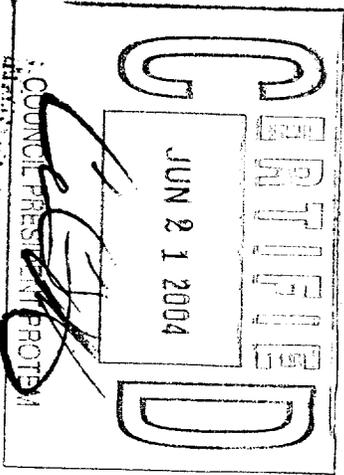


Entered 4-14-04 sb  
CL 04L0248 GWENDOLYN BURNS

**CLAIM OF: MARILYN AVERY**  
4418 Creek Valley Court  
Atlanta, Georgia 30331

04-R -1078

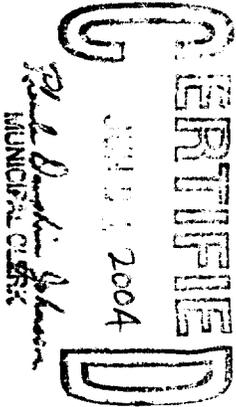
For damages allegedly sustained when grease from a herbie curbie soiled clothing of a city employee as she discarded the contents into a Solid Waste truck on March 15, 2004 at 1159 Cumberland Road.



THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSED  
CITY SOURCE  
JUN 31 2004





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30303  
(404) 330-6033  
FAX (404) 658-6273**

June 28, 2004

Marilyn Avery  
4418 Creek Valley Court  
Atlanta, GA 30331

04-R-1078

Dear Ms. Avery:

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 21, 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. 04L0248

Date: June 1, 2004

Claimant /Victim MARILYN AVERY
BY: (Atty) (Ins. Co.)
Address: 4418 Creek Valley Court, Atlanta, Georgia 30331
Subrogation: Claim for Property damage \$ 187.00 Bodily Injury \$
Date of Notice: 4/14/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/15/04 Place: 1159 Cumberland Road
Department PUBLIC WORKS Bureau: Solid Waste Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages when grease was wrongfully left in a herbie curbie by a citizen and her clothes were soiled as she proceeded to dump the contents into the Solid Waste truck. However, an investigation determined that the City is not responsible for the actions of a third party.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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 Ministerial X
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 06/03/04
Committee Action: Council Action



<b>6-21-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 04-O-1016	41. 04-R-1066
2. 04-O-1009	42. 04-R-1067
3. 04-O-1117	43. 04-R-1068
4. 04-O-0795	44. 04-R-1069
5. 04-O-0919	45. 04-R-1070
6. 04-O-0914	46. 04-R-1071
7. 04-O-1064	47. 04-R-1072
8. 04-O-1101	48. 04-R-1073
9. 04-O-1118	49. 04-R-1074
10. 04-O-0987	50. 04-R-1075
11. 04-O-0990	<b>51.</b> 04-R-1076
12. 04-O-1116	52. 04-R-1077
13. 04-O-0662	53. 04-R-1078
14. 04-O-0663	54. 04-R-1079
15. 04-O-0664	55. 04-R-1080
16. 04-O-1018	56. 04-R-1081
17. 04-O-1106	57. 04-R-1082
18. 04-O-1112	58. 04-R-1083
19. 04-O-1113	59. 04-R-1084
20. 04-O-1119	60. 04-R-1085
21. 04-O-0785	61. 04-R-1086
22. 04-O-1007	62. 04-R-1087
23. 04-O-1103	63. 04-R-1089
24. 04-R-1022	64. 04-R-1090
25. 04-R-1043	65. 04-R-1091
26. 04-R-1047	
27. 04-R-1020	
28. 04-R-1035	
29. 04-R-1051	
30. 04-R-1052	
31. 04-R-1053	
32. 04-R-1111	
33. 04-R-1056	
34. 04-R-1107	
35. 04-R-1088	
36. 04-R-1092	
37. 04-R-1093	
38. 04-R-1094	
39. 04-R-1095	
40. 04-R-1096	