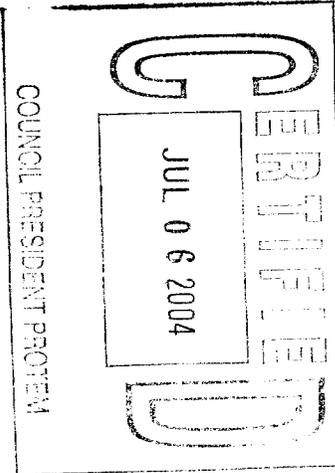


Entered - 05/26/04 - sb
CL04L0342 - DIANNE C. MITCHELL

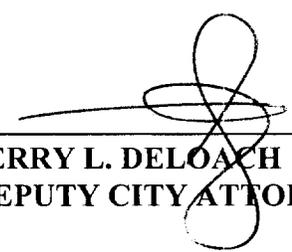
CLAIM OF: **LORI ROWE**, as Parent and Next
Best Friend of Emily Rowe, a minor,
through their attorney,
Adam Princenthal
260 Peachtree Street, NW
Suite 502
Atlanta, Georgia 30303

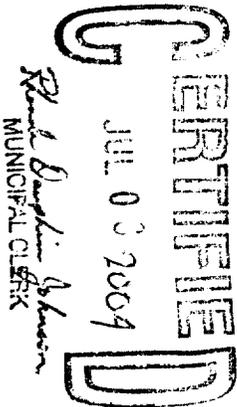
04- R -1168



For damages alleged to have been sustained as a result of a vehicular accident on November 19, 2003 at East Ponce de Leon Avenue and Sycamore Place, Decatur, Georgia.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/29/04

CHAIR: H. R. Williams

Vynell Moxley

Mary Jones

C. T. Hunt

John Smith

Carla Smith



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

July 20, 2004

Adam Princenthal
Attorney at Law
260 Peachtree Street, NW
Suite 502
Atlanta, GA 30303

04-R-1168

RE: Lori Rowe, as Parent and Next Best
Friend of Emily Rowe, a minor

Dear Attorney Princenthal:

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 July 06, 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. 04L0342

Date: June 10, 2004

Claimant /Victim LORI ROWE, as Parent and Next Best Friend of Emily Rowe, a minor
BY: (Atty.) Adam Princenthal
Address: 260 Peachtree Street, NW, Suite 502, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ 350,000.00
Date of Notice: 05/20/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/19/03 Place: East Ponce de Leon Avenue and Sycamore Place, Decatur, GA
Department Bureau:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her minor child was injured when she was struck by a private vehicle while crossing the roadway. The claimant further alleges that the accident occurred because the driver's view of the intersection was obstructed because of a parked MARTA bus. However, MARTA is a separate legal entity from the City of Atlanta. The claimants' attorney has been advise to pursue the claim with MARTA.

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

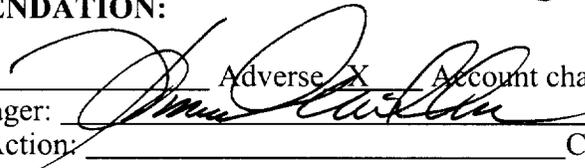
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months 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 06/16/04
Committee Action: Council Action

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036	34. 04-R-1163
2. 04-O-1037	35. 04-R-1164
3. 04-O-1038	36. 04-R-1165
4. 04-O-1039	37. 04-R-1166
5. 04-O-1040	38. 04-R-1167
6. 04-O-1041	39. 04-R-1168
7. 04-O-1042	40. 04-R-1169
8. 04-O-1196	41. 04-R-1170
9. 04-O-1013	42. 04-R-1171
10. 04-O-1014	43. 04-R-1173
11. 04-O-1050	44. 04-R-1174
12. 04-O-1054	45. 04-R-1175
13. 04-O-1055	46. 04-R-1176
14. 04-O-1058	47. 04-R-1177
15. 04-R-1152	48. 04-R-1179
16. 04-R-1153	49. 04-R-1180
17. 04-R-1158	50. 04-R-1181
18. 04-R-1193	51. 04-R-1182
19. 04-R-1155	52. 04-R-1183
20. 04-R-1149	53. 04-R-1184
21. 04-R-1150	54. 04-R-1185
22. 04-R-1033	55. 04-R-1186
23. 04-R-1146	
24. 04-R-1148	
25. 04-R-1159	
26. 04-R-1160	
27. 04-R-1161	
28. 04-R-1187	
29. 04-R-1188	
30. 04-R-1189	
31. 04-R-1190	
32. 04-R-1191	
33. 04-R-1192	