

Entered - 09/24/03 - sb
CL03L0756 - DIANNE C. MITCHELL

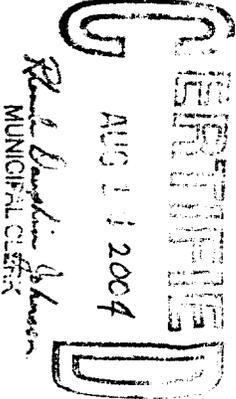
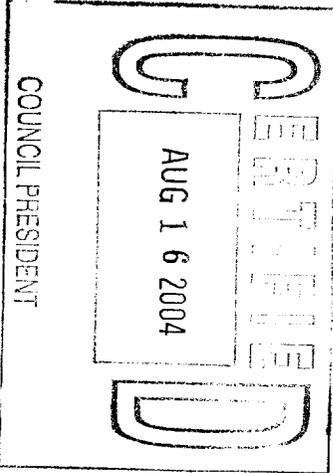
CLAIM OF: **BONNIE A. BUOL**
1647 Briarcliff Road, #3
Atlanta, Georgia 30306

04-R -1342

For damages alleged to have been sustained as a result of personal injuries due to a fall on a manhole cover on August 17, 2003 at Alta and Euclid Avenues, NE.

THIS ADVERSED REPORT IS APPROVED

BY: *Jerry DeLoach*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSED
JUL 16 2004

ADVERSE REPORT
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 7/27/04
CHAIR: *C. T. Marks*
Viola Winston
David Marks
Raymond
C. T. Marks

CORRECTED COPY



OFFICE OF MUNICIPAL CLERK

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

August 30, 2004

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

Bonnie A. Buol
1647 Briarcliff Road
Apartment 3
Atlanta, GA 30306

04-R-1342

Dear Ms. Buol:

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 August 16, 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. 03L0756

Date: July 13, 2004

Claimant /Victim BONNIE A. BUOL

BY: (Atty)(Ins. Co.)

Address: 1647 Briarcliff Road, #3, Atlanta, Georgia 30306

Subrogation: Claim for Property damage \$ Bodily Injury \$ 112.59

Date of Notice: 09/04/03 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 08/17/03 Place: Alta and Euclid Avenues, NE

Department Watershed Management Bureau: Waste Water

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when she stepped on a loose manhole cover that caused her to fall into the manhole. However, the City had no notice of the existence of any problems related to the manhole cover prior to the incident involving the claimant.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X 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 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,

[Handwritten signature of Dianne C. Mitchell]

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager: [Handwritten signature] Concur/date 07/13/04

Committee Action: Council Action

RCS# 5937
8/16/04
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-14 EXCEPT:04-R-1339
04-R-1391
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

| | | | |
|-----------|-------------|-----------|------------|
| Y Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | NV Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | NV Willis |
| Y Winslow | Y Muller | Y Sheperd | NV Borders |

CONSENT I

| 8-16-4 Council Meeting | | |
|-----------------------------|-----------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 04-O-1375 | 41. 04-R-1317 | 59. 04-R-1336 |
| 2. 04-O-1206 | 42. 04-R-1400 | 60. 04-R-1337 |
| 3. 04-O-1209 | 43. 04-R-1320 | 61. 04-R-1338 |
| 4. 04-O-1354 | 44. 04-R-1321 | 62. 04-R-1340 |
| 5. 04-O-1357 | 45. 04-R-1322 | 63. 04-R-1341 |
| 6. 04-O-1366 | 46. 04-R-1323 | 64. 04-R-1342 |
| 7. 04-O-0437 | 47. 04-R-1324 | 65. 04-R-1343 |
| 8. 04-O-1350 | 48. 04-R-1325 | 66. 04-R-1344 |
| 9. 04-O-1351 | 49. 04-R-1326 | 67. 04-R-1345 |
| 10. 04-O-1368 | 50. 04-R-1327 | 68. 04-R-1346 |
| 11. 04-O-1247 | 51. 04-R-1328 | 69. 04-R-1347 |
| 12. 04-O-1221 | 52. 04-R-1329 | 70. 04-R-1348 |
| 13. 04-R-1372 | 53. 04-R-1330 | |
| 14. 04-R-1273 | 54. 04-R-1331 | |
| 15. 04-R-1388 | 55. 04-R-1332 | |
| 16. 04-R-1402 | 56. 04-R-1333 | |
| 17. 04-R-1403 | 57. 04-R-1334 | |
| 18. 04-R-1404 | 58. 04-R-1335 | |
| 19. 04-R-1304 | | |
| 20. 04-R-1392 | | |
| 21. 04-R-1393 | | |
| 22. 04-R-1394 | | |
| 23. 04-R-1395 | | |
| 24. 04-R-1396 | | |
| 25. 04-R-1397 | | |
| 26. 04-R-1398 | | |
| 27. 04-R-1355 | | |
| 28. 04-R-1356 | | |
| 29. 04-R-1373 | | |
| 30. 04-R-1308 | | |
| 31. 04-R-1309 | | |
| 32. 04-R-1310 | | |
| 33. 04-R-1311 | | |
| 34. 04-R-1349 | | |
| 35. 04-R-1367 | | |
| 36. 04-R-1370 | | |
| 37. 04-R-1312 | | |
| 38. 04-R-1313 | | |
| 39. 04-R-1315 | | |
| 40. 04-R-1316 | | |