

Entered - 07/13/04 - sb  
CL - 04L0448 LISA CARTER

CLAIM OF: DANIELLE BROWN,  
through her attorney  
Jeffrey C. Renz  
1400 Scott Boulevard  
Atlanta, Georgia 30331

04-R -1530

For damages alleged to have been sustained due to a fall on  
playground equipment on June 10, 2004 at 1565 Martin Luther  
King Jr. Drive, C.A. Scott Park.

THIS ADVERSED REPORT IS APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL

SEP 07 2004

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/31/04

CHAIR: J. S. Kelly

Joyce M. Shepherd

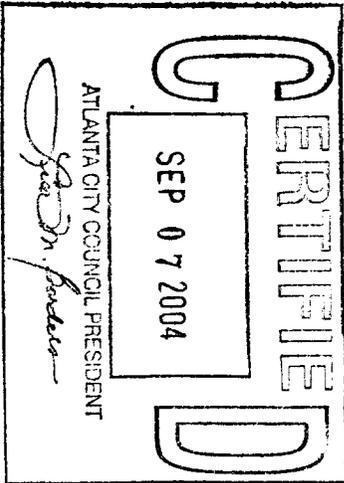
Ray Norwood

A. T. ...

...

Carla Smith

...



DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0448

Date: August 17, 2004

Claimant /Victim DANIELLE BROWN

BY: (Atty) (Ins. Co.) Jeffrey C. Renz

Address: 1400 Scott Boulevard

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Specified

Date of Notice: 07/09/04 Method: Written, proper X Improper

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

Date of Occurrence 06/10/04 Place: 1565 Martin Luther King Jr. Drive, CA. Scott Park

Department Parks, Recreation and Cultural Affairs Bureau: Parks Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained injuries while playing on the playground equipment at C.A. Scott Park. However, an investigation determined the claimant fell as she jumped from one side of the equipment to the other. There were no defects or any knowledge of prior problems with the playground equipment. Furthermore, the city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

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 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,

[Signature] INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 08/19/04

Committee Action: Council Action

LAW OFFICES OF ROBERT R. PAGNIELLO, P.C.

ATTORNEYS AT LAW  
1400 SCOTT BOULEVARD  
DECATUR, GEORGIA 30030

TELEPHONE (404) 373-5550  
FACSIMILE (404) 373-3062

CARTER  
07/12/04



ENTERED - 7-13-04 - SB  
June 29, 2004 - LISA CARTER

ATTORNEYS

ROBERT R. PAGNIELLO  
JEFFREY C. RENZ  
DUC T. TRAN  
R. SCOTT CHRISTOPHER  
CHARLES H. McALEER

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

City of Atlanta Municipal Clerk  
Attn: Law Department  
55 Trinity Avenue, SW  
Atlanta, GA 30303-3520

In Re: Ante Litem Notice Pursuant to O.C.G.A. § 36-11-1 for injury to Danielle Brown  
On June 10, 2004 while playing on the playground equipment at C.A. Scott Park

Dear City of Atlanta Municipal Clerk, Law Department:

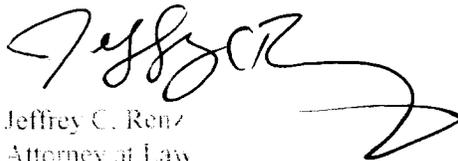
This letter is mailed to present the City of Atlanta with the claim of Danielle Brown against the City of Atlanta and to afford City of Atlanta the opportunity to investigate the claim and ascertain evidence pursuant to O.C.G.A. § 36-11-1.

Danielle Brown received injuries to her left arm, causing significant damage, while she was at C.A. Scott Park.

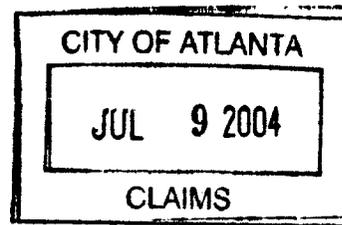
The injury occurred on June 10, 2004 while Danielle was playing outside with her group. Danielle was on top of the playground equipment (the Zip Line) and attempted to jump from one side to the other. It was at that point that she fell to the ground and injured her left arm.

If City of Atlanta would like to forego litigation and discuss settlement, please call Jeffrey C. Renz, lead counsel in this matter, at 404-373-5550. Your attention to this matter is appreciated.

Respectfully yours,

  
Jeffrey C. Renz  
Attorney at Law

JCR/lab



ERROR: syntaxerror  
OFFENDING COMMAND: Manoj Majm

STACK:



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

September 14, 2004

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

Jeffrey C. Rentz  
Attorney at Law  
1400 Scott Boulevard  
Atlanta, Georgia 30331

04-R-1530

RE: Danielle Brown

Dear Attorney Rentz:

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 September 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