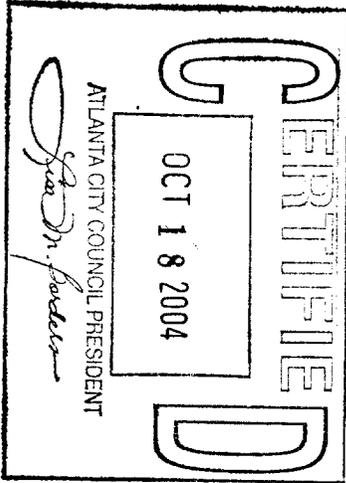


Entered 2-18-03 sb  
CL 03L0134 GWENDOLYN BURNS

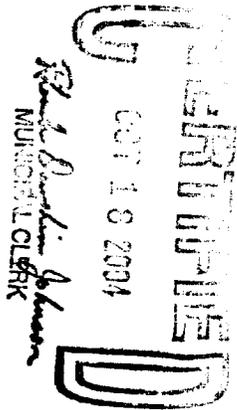
04-R -1793

CLAIM OF: **GUIGZHEN ZHENG**  
through her attorney,  
**Micheal N. Rubin, Esq.**  
**MONTLICK & ASSOCIATES**  
17 Executive Park Drive  
Suite 310  
Atlanta, Georgia 30329



For vehicular damage allegedly sustained from an automobile accident due to an obstructed traffic signal on August 23, 2002 at Sixteenth Street, NW & Spring Street, NW.

THIS ADVERSED REPORT IS APPROVED



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

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

ADVERSED BY  
CITY COUNCIL

OCT 18 2004

DATE: 10/12/04  
CHAIR: [Signature]  
C. T. Mark  
Way Norwood  
Heidi Shuck



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 30335  
(404) 330-6033  
FAX (404) 658-6103

October 19, 2004

Attorney Micheal N. Rubin, Esq.  
Montlick & Associates  
17 Executive Park Drive - Suite 310  
Atlanta, Georgia 30329

04-R-1793

RE: Guigzhen Zheng

Dear Attorney Rubin:

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 October 18, 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. 03L0134

Date: September 26, 2004

Claimant /Victim GUIGZHEN ZHENG
BY: (Atty) (Ins. Co.) Michael N. Rubin, MONTLICK & ASSOCIATES, P.C.
Address: 17 Executive Park Drive, Suite 310, Atlanta, Georgia 30329
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$ unspecified
Date of Notice: 2/13/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/23/02 Place: 16th Street, NW & Spring Street, NW
Department PUBLIC WORKS Division: Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his vehicle sustained damage when he collided with another vehicle due to his inability to see a traffic signal that was obstructed by a tree. However an investigation determined that the city was not on notice of said obstruction prior to the claimant's incident. Accordingly, the operation and maintenance of street signs, markings and traffic control devices are governmental functions and the City is protected by sovereign immunity as set forth in O.C.G.A §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other X
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 X 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 09/28/04
Committee Action: Council Action



		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1570	38. 04-R-1772	48. 04-R-1783
2. 04-O-1586	39. 04-R-1773	49. 04-R-1784
3. 04-O-1667	40. 04-R-1774	50. 04-R-1785
4. 04-O-1669	41. 04-R-1775	51. 04-R-1786
5. 04-O-1670	42. 04-R-1776	52. 04-R-1787
6. 04-O-1671	43. 04-R-1777	53. 04-R-1788
7. 04-O-1672	44. 04-R-1778	54. 04-R-1789
8. 04-O-1658	45. 04-R-1779	55. 04-R-1790
9. 04-O-1807	46. 04-R-1780	56. 04-R-1791
10. 04-O-1810	47. 04-R-1781	57. 04-R-1792
11. 04-O-1813		58. 04-R-1793
12. 04-O-1817		59. 04-R-1794
13. 04-O-1850		
14. 04-O-1651		
15. 04-O-1654		
16. 04-O-1808		
17. 04-R-1472		
18. 04-R-1751		
19. 04-R-1798		
20. 04-R-1485		
21. 04-R-1759		
22. 04-R-1760		
23. 04-R-1761		
24. 04-R-1797		
25. 04-R-1824		
26. 04-R-1825		
27. 04-R-1762		
28. 04-R-1754		
29. 04-R-1755		
30. 04-R-1756		
31. 04-R-1757		
32. 04-R-1827		
33. 04-R-1799		
34. 04-R-1768		
35. 04-R-1769		
36. 04-R-1770		
37. 04-R-1771		