

Entered - 12/22/03 - sb
CL - 03L0972 LISA CARTER

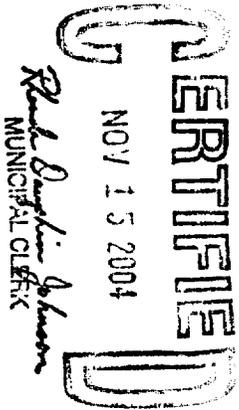
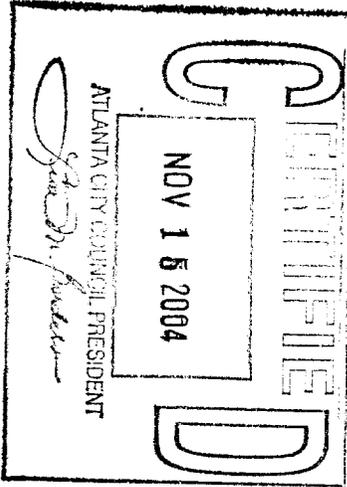
CLAIM OF: NAKOSHA SMITH,
through her attorney Bruce R. Miller
108 Williamson Mill Road
Jonesboro, Georgia 30236

04-*R*-2014

For damages alleged to have been sustained during an incident on
July 7, 2003 at 104 Trinity Avenue, SW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 11/9/04

CHAIR: *J. G. Hill*

Carla Smith

Carla Thomas

How Sp

Joyce M. Sheperd

Ray Brown



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

November 22, 2004

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

Bruce R. Miller
Attorney at Law
108 Williamson Mill Road
Jonesboro, Georgia 30236

04-R-2014

RE: Nakosha Smith

Dear Attorney Miller:

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 November 15, 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. 03L0972

Date: October 26, 2004

Claimant /Victim NAKOSHA SMITH
BY: (Atty) (Ins. Co.) Bruce R. Millar
Address: 108 Williamson Mill Road Jonesboro, Georgia 30236
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not specified
Date of Notice: 12/17/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/7/03 Place: 104 Trinity Avenue, SW
Department Police Bureau: Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of an incident at 104 Trinity Avenue. However, the claimant elected to file a lawsuit to resolve the issues raised in the claim

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police 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,

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: *[Signature]* Concur/date 10/27/04
Committee Action: Council Action

RCS# 6243
11/15/04
2:41 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 4-20, EXCEPT: 04-O-2036

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

| | | 11-15-04 Council Meeting |
|-----------------------------|-----------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 04-O-1887 | 43. 04-R-1968 | 67. 04-R-2003 |
| 2. 04-O-1872 | 44. 04-R-1969 | 68. 04-R-2004 |
| 3. 04-O-1936 | 45. 04-R-2024 | 69. 04-R-2005 |
| 4. 04-O-1946 | 46. 04-R-2029 | 70. 04-R-2006 |
| 5. 04-O-2030 | 47. 04-R-2033 | 71. 04-R-2007 |
| 6. 04-O-2031 | 48. 04-R-1752 | 72. 04-R-2008 |
| 7. 04-O-2038 | 49. 04-R-1974 | 73. 04-R-2009 |
| 8. 04-O-1417 | 50. 04-R-1975 | 74. 04-R-2010 |
| 9. 04-O-1879 | 51. 04-R-2025 | 75. 04-R-2011 |
| 10. 03-O-2222 | 52. 04-R-2085 | 76. 04-R-2012 |
| 11. 04-O-0044 | 53. 04-R-1980 | 77. 04-R-2013 |
| 12. 04-R-1982 | 54. 04-R-2026 | 78. 04-R-2014 |
| 13. 04-R-1983 | 55. 04-R-2040 | |
| 14. 04-R-1984 | 56. 04-R-2048 | |
| 15. 04-R-1985 | 57. 04-R-1999 | |
| 16. 04-R-1988 | 58. 04-R-2000 | |
| 17. 04-R-1977 | 59. 04-R-2001 | |
| 18. 04-R-1979 | 60. 04-R-2002 | |
| 19. 04-R-2041 | 61. 04-R-2015 | |
| 20. 04-R-2042 | 62. 04-R-2016 | |
| 21. 04-R-2092 | 63. 04-R-2017 | |
| 22. 04-R-2093 | 64. 04-R-2018 | |
| 23. 04-R-2094 | 65. 04-R-2019 | |
| 24. 04-R-2095 | 66. 04-R-2020 | |
| 25. 04-R-2096 | | |
| 26. 04-R-1875 | | |
| 27. 04-R-1876 | | |
| 28. 04-R-1877 | | |
| 29. 04-R-1950 | | |
| 30. 04-R-1951 | | |
| 31. 04-R-1953 | | |
| 32. 04-R-1954 | | |
| 33. 04-R-1957 | | |
| 34. 04-R-1959 | | |
| 35. 04-R-1960 | | |
| 36. 04-R-1961 | | |
| 37. 04-R-1962 | | |
| 38. 04-R-1963 | | |
| 39. 04-R-1964 | | |
| 40. 04-R-1965 | | |
| 41. 04-R-1966 | | |
| 42. 04-R-1967 | | |