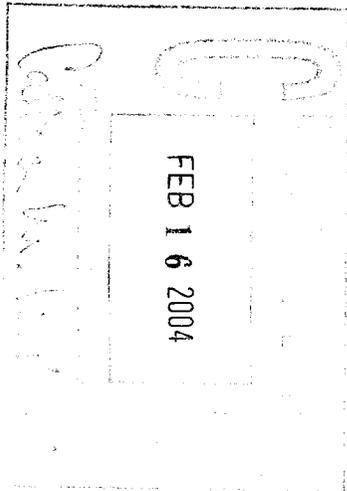


Entered - 01/21/04 - sb  
CL04L0032 - DIANNE C. MITCHELL

CLAIM OF: **CLEAVIE MACDONALD,**  
through her attorney,  
**Daniel Shim**  
**One Park Tower, Suite 2580**  
**34 Peachtree Street, NW**  
**Atlanta, Georgia 30303**

**04-R-0203**

FEB 16 2004



For damages alleged to have been sustained as a result of a slip and fall incident on August 6, 2003 at 355 North Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

**CERTIFIED**  
FEB 16 2004  
*Rhonda Daughin Johnson*  
MUNICIPAL CLERK

# ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/16/04

CHAIR: \_\_\_\_\_

\_\_\_\_\_

*Mary Woodward*

*H. Shim*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

February 25, 2004

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

Daniel Shim  
Attorney at Law  
34 Peachtree St., NW  
One Park Tower, Suite 2580  
Atlanta, GA 30303

04-R-0203

RE: Cleavie MacDonald

Dear Attorney Shim:

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 February 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, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0032

Date: January 22, 2004

Claimant /Victim CLEAVIE MACDONALD
BY: (Atty) Daniel Shim
Address: One Park Tower, Suite 2580, 34 Peachtree Street, NW, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 01/09/04 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/06/03 Place: 355 North Avenue
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when she slipped and fell at the above location. The investigation determined that the owner of the property is the Atlanta Housing Authority which is a separate legal entity from the City of Atlanta. The claimant has been referred to the Atlanta Housing Authority.

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 Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X 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 01/27/04
Committee Action: Council Action

RCS# 5424  
2/16/04  
2:55 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PGS 1-12, EXCEPT:04-R-0242

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 1  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

*Reconsidered  
see  
RCS# 5425*

B Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
A Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

RCS# 5425  
2/16/04  
2:56 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PGS 1-12, EXCEPT:04-R-0242

RECONSIDER

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I



<b>2-16-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0049	33. 04-R-0207
2. 04-O-0125	34. 04-R-0208
3. 04-O-0126	35. 04-R-0209
4. 04-O-0143	36. 04-R-0210
5. 04-O-0144	37. 04-R-0211
6. 04-O-0035	38. 04-R-0212
7. 04-O-0067	39. 04-R-0213
8. 04-O-0233	40. 04-R-0214
9. 04-O-0235	41. 04-R-0215
10. 04-O-0251	42. 04-R-0223
11. 04-O-0231	43. 04-R-0224
12. 04-R-0188	<b>ITEMS ADVERSE</b>
13. 04-R-0190	<b>ON CONSENT</b>
14. 04-R-0228	44. 04-R-0191
15. 04-R-0229	45. 04-R-0192
16. 04-R-0222	46. 04-R-0193
17. 04-R-0227	<b>47. 04-R-0194</b>
18. 04-R-0128	48. 04-R-0195
19. 04-R-0129	49. 04-R-0196
20. 04-R-0130	50. 04-R-0197
21. 04-R-0131	51. 04-R-0198
22. 04-R-0189	52. 04-R-0199
23. 04-R-0273	53. 04-R-0200
24. 04-R-0218	54. 04-R-0201
25. 04-R-0219	55. 04-R-0202
26. 04-R-0220	56. 04-R-0203
27. 04-R-0245	57. 04-R-0204
28. 04-R-0246	58. 04-R-0205
29. 04-R-0249	59. 04-R-0206
30. 04-R-0250	60. 04-R-0225
31. 04-R-0274	
32. 04-R-0226	