

Entered - 07/23/03 - sb  
CL03L0591 - DIANNE C. MITCHELL

*Atlanta City Council President*  
ATLANTA CITY COUNCIL PRESIDENT  
MAR 15 2004  
**CERTIFIED**

CLAIM OF: **TYRONE DUNN,**  
through his attorney,  
**Nica H. Kenith**  
**P. O. Box 95406**  
**Atlanta, Georgia 30347-0406**

04-*r*-0399

For damages alleged to have been sustained as a result of a vehicular accident on June 29, 2003 at Felton Drive and Angier Avenue.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **TYRONE DUNN, through his attorney, Nica H. Kenith** the sum of **\$5,130.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on June 29, 2003 at Felton Drive and Angier Avenue as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: **LINDA K. DISANTIS**  
**CITY ATTORNEY**

*Rachel Dandridge Johnson*  
MUNICIPAL CLERK  
MAR 15 2004  
**CERTIFIED**

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

**FAVORABLE REPORT**

**PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

DATE: 3/9/04

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

*[Signature]*  
\_\_\_\_\_  
*C. T. Martin*  
\_\_\_\_\_

*Wayne Norwood*  
\_\_\_\_\_

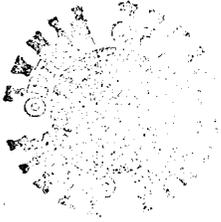
*Henry Spauld*  
\_\_\_\_\_

*Carla Smith*  
\_\_\_\_\_

**ADOPTED BY**

**MAR 15 2004**

**COUNCIL**  
APR 28 2004  
*[Signature]*  
**CLERK**



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-0399**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment **Tyrone Dunn, through his attorney, Nica H. Kenith** to in the sum of **\$5,130.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as **a result of a vehicular accident on June 29, 2003 at Felton Drive and Angier Avenue** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

March 15, 2004  
March 23, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0591

Date: February 24, 2004

Claimant /Victim TYRONE DUNN

BY: (Atty) Nica H. Kenith

Address: P. O. Box 95406, Atlanta, Georgia 30347-0406

Subrogation: Claim for Property damage \$ Bodily Injury \$ 25,000.00

Date of Notice: 07/22/03 Method: Written, proper X Improper

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

Date of Occurrence 06/29/03 Place: Felton Drive and Angier Avenue

Department Police Division:

Employee involved Nawin Capell Disciplinary Action: Pending

NATURE OF CLAIM: The claimant alleges he was injured when the driver of the City vehicle failed to right-of-way and collided with the claimant's vehicle causing him to be injured in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police X 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 Damages reasonable

City not involved Offer rejected Compromise settlement X

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 5,130.00 Adverse Account charged: 1A01 X 2J01 2H01 2P01

Claims Manager: [Signature] Concur/date 02/24/04

Committee Action: Council Action

**MONTLICK & ASSOCIATES, P.C.**  
ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 310  
ATLANTA, GEORGIA • 30329

Mailing Address:  
P.O. BOX 95406 • ATLANTA, GEORGIA 30347-0406  
TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

*Police*  
*Mitchell*  
*07/22/03*  
*DM*

July 10, 2003

**VIA CERTIFIED MAIL - RETURN RECEIPT**

Claims Department  
City of Atlanta Police Dept.  
ATTN: Law Department  
175 Decatur Street, S.W.  
Atlanta, GA 30335

**ENTERED 07-23-03 - DP**  
**03L0591 - DIANNE MITCHELL**

RE: Our Clients: Tyrone Dunn,  
Ricky Glass  
Incident Date: June 29, 2003  
Your Insured: City of Atlanta PD

Dear Sir or Madam:

Enclosed please find a pre-suit disclosure affidavit. We would appreciate you notifying our office with the relevant information at your earliest convenience.

If you should have any questions or comments regarding the enclosed affidavit, please feel free to contact our office. We look forward to your response.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY: 

C. Ron Smith  
Attorney at Law

LTR\_1098b:325886:ndls

cc: Tyrone Dunn, Ricky Glass

Enclosure: Pre-suit Disclosure Affidavit

**REQUEST FOR PRE-SUIT DISCLOSURE OF POLICY LIMITS**

Montlick & Associates, P.C. represents Tyrone Dunn and Ricky Glass in connection with claims for injuries and damages they sustained in an incident which occurred on June 29, 2003. We are in the process of investigating and evaluating this claim. It is our understanding that you insure, a person or company who may be liable for payment to our client for this incident.

Pursuant to O.C.G.A. §33-3-28 (a) (1), we hereby request that you provide a statement under oath of a corporate officer or the claims manager stating with regard to each known policy of insurance issued by it, including but not limited to motor vehicle insurance, homeowner's insurance, excess or umbrella insurance, the name of the insurer, the name of each insured, and the limits of coverage. You may provide a copy of the declarations page of each such policy in lieu of providing such information.

  
\_\_\_\_\_  
C. Ron Smith  
Attorney at Law

Sworn to and subscribed before me this

10 day of July, 2003

  
\_\_\_\_\_  
NOTARY PUBLIC

1098c:325886:ndls **LOIS JOHNSON**  
Notary Public, DeKalb County, Georgia  
My Commission Expires April 8, 2006

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-0399**

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