



## OFFICE OF MUNICIPAL CLERK

April 22, 2004

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

Thelma Ruth Scott  
2411 Second St., NW  
Atlanta, GA 30318

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

04-R-0560

Dear Ms. Scott:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on April 19, 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. 03L0919

Date: March 16, 2004

Claimant /Victim THELMA RUTH SCOTT

BY: (Atty) (Ins. Co.)

Address: 2411 Second Street, NW Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ 3,459.00 Bodily Injury \$

Date of Notice: 11/12/03 Method: Written, proper X Improper

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

Date of Occurrence 10/28/03 Place: 2411 Second Street, NW

Department Watershed Management Bureau: Division: Sewer Operation

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of a sewer back up at 2411 Second Street, NW. However, the city was not on notice of the existence of the problem prior to the incident involving the claimant. Furthermore, the city is immune from liability 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

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,

[Handwritten signature of Lisa Carter]

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager: [Handwritten signature] Concur/date 03/17/04

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

RECEIVED

NOV 12 2003

Today's Date: 11-1-03

*Carter*  
11/18/03  
*R*

ENTERED - 11-20-03 - SB  
03L0919 - LISA CARTER

MUNICIPAL CLERK

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 3,459.00 property and/or \$ none bodily injury for which I contend the City is liable.

1. Date of incident: 10-28-03 2. Time of Incident: \_\_\_\_\_ 3. Police called: \_\_\_\_\_  
(month/day/year) Yes  No

4. Location of incident (including street address): 2411 Second St. N.W. ATL. GA. 30318

5. Name of your insurance company: None Policy No. \_\_\_\_\_

6. State what and how incident occurred: raw sewage line connection is inadequate for the number of houses using that line. It caused a backup in my bathroom basement toilet, in my home. This has happened twice this year (2003). One time in JUNE and again in October.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: None  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: City Truck Thurmond Burdette, Sr. Public Work Bureau & Sewer Services  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Donathea Cornichael 3686 Parkspur Lane 47288-9441  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employees).

11. This claim should be mailed immediately to the address shown above.

BY SWEAR OR AFFIRM THAT THE ABOVE  
Thelma Ruth Scott  
Signature of Claimant

Thelma Ruth Scott  
(Print Claimant's Name)  
2411 Second St. N.W.  
(Address)  
Atlanta, Ga. 30318  
(City, State and Zip Code)  
N/A 4799-1823  
(Work Number) (Home Number)

COUNCIL PRESIDENT PROTEM

**CERTIFIED**  
APR 19 2004

Entered - 11/20/03- sb  
CL - 03L0919 LISA CARTER

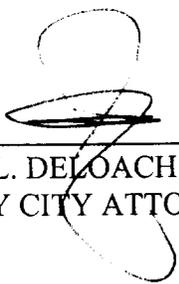
CLAIM OF: THELMA RUTH SCOTT  
2411 Second Street, NW  
Atlanta, Georgia 30318

04- R-0560

For damages alleged to have been sustained as a result of a sewer back up on October 28, 2003 at 2411 Second Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

**CERTIFIED**  
APR 19 2004  
Ruth Davidson Johnson  
MUNICIPAL CLERK

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: H. L. Smith

Carla Smith

Clara Trislow

Smith

Smith

Smith

Smith

APR 19 2004

**ADVERSED**