



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

April 29, 2004

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

Timothy J. Santelli  
Attorney at Law  
3758 LaVista Rd.  
Suite 200  
Tucker, GA 30084

04-R-0568

RE: Marion Cardiff

Dear Attorney Santelli

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 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

RCS# 5585  
4/19/04  
3:03 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-18, EXCEPT:04-R-0538  
04-O-0487 04-R-0473  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0021

Date: March 16, 2004

Claimant /Victim MARION CARDIFF

BY: (Atty) (Ins. Co.) Timothy J. Santelli

Address: 3758 LaVista Road Suite 200 Tucker, Georgia 30084

Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Specified

Date of Notice: 01/02/04 Method: Written, proper X Improper           

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

Date of Occurrence 07/11/03 Place: Crescent Avenue

Department Public Works Bureau: Highways and Streets Division:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of tripping on a broken sidewalk on Crescent Road. However, the claimant has 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 X

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

BASIS OF RECOMMENDATION:

Function: Governmental            Ministerial X

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           

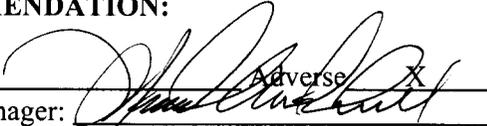
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager:  Concur/date 03/17/04

Committee Action:            Council Action

1  
**Law Offices of Timothy J. Santelli, PC**  
**Attorney at Law**

ENTERED - 1-12-04 - SB  
04L0021 - LISA CARTER

EA  
SD  
DM

VIA CERTIFIED MAIL

RECEIVED

December 29, 2003

Rhonda Johnson  
Municipal Clerk  
City of Atlanta  
55 Trinity Avenue  
Atlanta, Georgia 30303

JAN 2 2004 RT

CITY OF ATLANTA LAW DEPT.

**Re: Our Client: Marion Cardiff**  
**File No.: 19472.595**  
**Your Client: City of Atlanta**  
**Insured: Self**  
**D.O.F.: 07/11/2003**

Carter  
01/06/04  
a

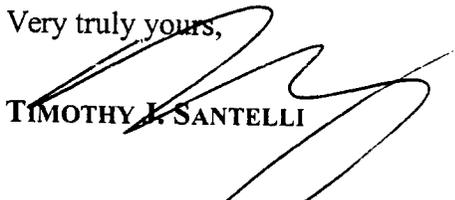
Dear Ms. Johnson:

Pursuant to O.C.G.A. § 36-33-5 et al please allow this letter to serve as formal notice of our representation.

On July 11, 2003, at 6:30 p.m. Marion Cardiff tripped and fell due to a broken sidewalk in extreme disrepair. It is our position that the City breached their duty to the public including Mrs. Cardiff by not inspecting and/or repairing (among other things) the sidewalk located in front of the Crescent Avenue Apartments on Crescent Street.

Ms. Cardiff suffered a broken elbow requiring surgical intervention. Accordingly, under the above statute, we are pursuing a claim for damages. Please apprise us as to who will be handling this claim on your behalf.

Very truly yours,

  
TIMOTHY J. SANTELLI

cc: Shirley Franklin, Mayor,  
Linda DiSantis, City of Atlanta  
Law Department  
Cathy Woolard, City Council  
President

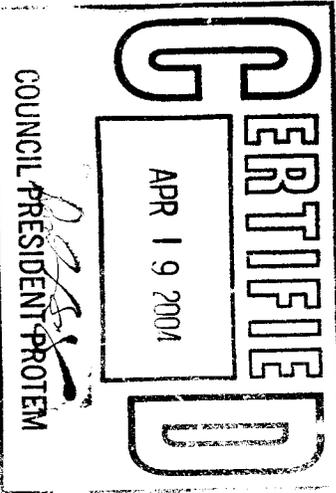
Entered - 01/12/04- sb  
CL - 04L0021 LISA CARTER

CLAIM OF: MARION CARDIFF,  
through her attorney  
Timothy J. Santelli  
3758 LaVista Road Suite 200  
Tucker, Georgia 30084

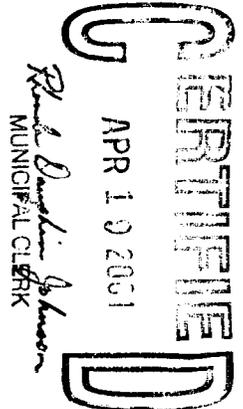
04-*R*-0568

For damages alleged to have been sustained as a result of a tripping on a broken sidewalk on July 11, 2003 on Crescent Avenue.

THIS ADVERSED REPORT IS APPROVED



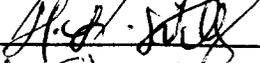
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



### ADVERSE REPORT

PUBLIC SAFTEY &  
LEGAL ADMINISTRATION COMMITTEE

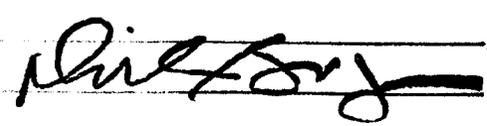
DATE: 3/30/04

CHAIR: 





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**ADVERSED**

APR 19 2004