

Entered 3-17-04 - sb  
CL 04L0183 - GWENDOLYN BURNS

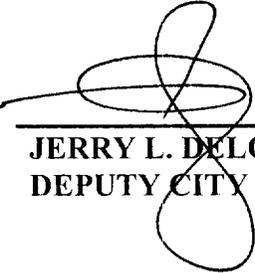
CLAIM OF: JENNIFER JANSSEN  
2828 Peachtree Road, #801  
Atlanta, Georgia 30305

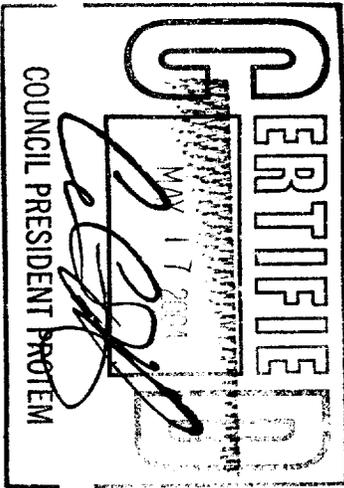
04-R -0839

For vehicular damages alleged to have been sustained after striking a broken section of the curb on March 1, 2004 at the intersection of Peachtree Road, NE and Lindbergh Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

  
\_\_\_\_\_  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



# ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/17/04

CHAIR: C. T. Martin

W. S. Smith

Carla Smith

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

ADVERSED

MAY 17 2004



## OFFICE OF MUNICIPAL CLERK

May 24, 2004

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

Jennifer Janssen  
2828 Peachtree Road  
Apartment 801  
Atlanta, GA 30305

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

04-R-0839

Dear Ms. Janssen:

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 May 17, 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. 04L0183

Date: April 27, 2004

Claimant /Victim JENNIFER JANSSEN
BY: (Atty) (Ins. Co.)
Address: 2828 Peachtree Road, #801, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ 251.62 Bodily Injury \$
Date of Notice: 3/11/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 3/1/04 Place: Peachtree Road, NE & Lindbergh Drive, NE
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damages when she struck a broken section of the curb. However, an investigation determined that Peachtree Road, NE is a state route and operated and maintained by the State of Georgia, Department of Transportation. The claimant has been so advised and her claim has been forwarded to the State for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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
Improper Notice More than Six Months Other X 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,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2PO1 2J01 2H01
Claims Manager: Concur/date 04/28/04
Committee Action: Council Action

RCS# 5712  
5/17/04  
2:10 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-13 EXCEPT:04-R-0876  
04-R-0911 04-R-0835 04-R-0882  
ADOPT

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

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

CONSENT I

<b>3-01-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0858	41. 04-R-0813
2. 04-O-0869	42. 04-R-0865
3. 04-O-0372	43. 04-R-0824
4. 04-O-0373	44. 04-R-0825
5. 04-O-0641	45. 04-R-0826
6. 04-O-0642	46. 04-R-0827
7. 04-O-0646	47. 04-R-0828
8. 04-O-0648	<b>ITEMS ADVERSED ON CONSENT</b>
9. 04-O-0650	48. 04-R-0829
10. 04-O-0652	49. 04-R-0830
11. 04-O-0653	50. 04-R-0831
12. 04-O-0656	51. 04-R-0832
13. 04-O-0657	52. 04-R-0833
14. 04-O-0874	53. 04-R-0834
15. 04-O-0488	54. 04-R-0836
16. 04-O-0700	55. 04-R-0837
17. 04-O-0872	56. 04-R-0838
18. 04-O-0660	57. 04-R-0839
19. 04-O-0661	58. 04-R-0840
20. 04-O-0873	<b>59. 04-R-0841</b>
21. 03-R-2228	60. 04-R-0842
22. 04-R-0805	61. 04-R-0843
23. 04-R-0806	62. 04-R-0844
24. 04-R-0808	63. 04-R-0845
25. 04-R-0809	64. 04-R-0846
26. 04-R-0822	
27. 04-R-0859	
28. 04-R-0882	
29. 04-R-0889	
30. 04-R-0369	
31. 04-R-0870	
32. 04-R-0876	
33. 04-R-0815	
34. 04-R-0847	
35. 04-R-0862	
36. 04-R-0863	
37. 04-R-0821	
38. 04-R-0807	
39. 04-R-0811	
40. 04-R-0812	