

Entered - 11/20/03 - sb  
CL - 03L0920 LISA CARTER

**CLAIM OF: JAMES AND PHYLLIS RIVERS  
NYGAARD,**

**Through their attorney  
R. Keegan Federal, Jr.  
1800 Century Boulevard, Suite 1175  
Atlanta, Georgia 30305**

04-R -1069

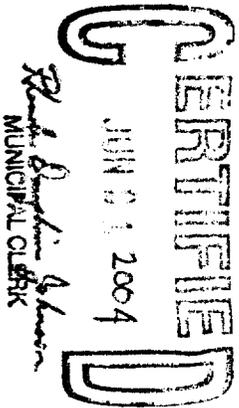
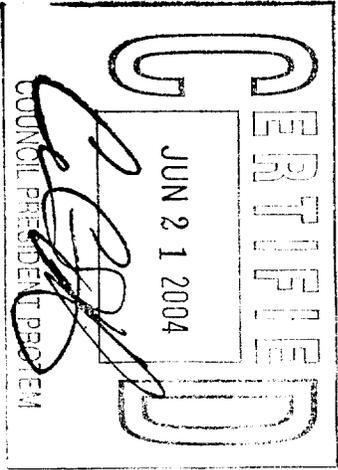
For damages alleged to have been sustained as a result of an automobile accident on May 15, 2003 at the intersection of Northside Drive, NE and Arden Road, NE.

THIS ADVERSED REPORT IS  
APPROVED

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

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

APPROVED JUN 01 2004  
CITY CLERK





## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

June 29, 2004

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

R. Keegan Federal, Jr.  
Attorney at Law  
1800 Century Boulevard  
Suite 1175  
Atlanta, Georgia 30305

04-R-1069

RE: James and Phyllis Nygaard

Dear Attorney Federal:

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 June 21, 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. 03L0920

Date: June 1, 2004

Claimant /Victim JAMES AND PHYLLIS RIVERS NYGAARD  
BY: (Atty) (Ins. Co.) R. Keegan Federal, Jr.  
Address: 1800 Century Boulevard, Suite 1175 Atlanta, Georgia 30345  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified  
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 05/15/03 Place: Northside Drive, NE and Arden Road, NE  
Department          Bureau:          Division           
Employee involved          Disciplinary Action:         

NATURE OF CLAIM: The claimants allege that they sustained damages as a result of an accident due to an unsafe intersection at Northside Drive, NE and Arden Road, NE. The investigation determined that the location of the incident was a state highway under the control and maintenance of Georgia Department of Transportation. The claim has been forwarded to Georgia Department of Transportation for handling and the claimants have been advised to pursue their claim with the Georgia Department of Transportation.

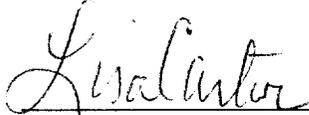
INVESTIGATION:

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         

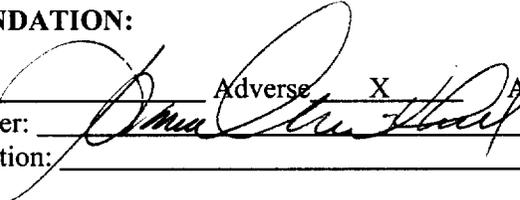
BASIS OF RECOMMENDATION:

Function: Governmental          Ministerial           
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 06/03/04  
Committee Action:          Council Action



6-21-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1016	41. 04-R-1066
2. 04-O-1009	42. 04-R-1067
3. 04-O-1117	43. 04-R-1068
4. 04-O-0795	44. 04-R-1069
5. 04-O-0919	45. 04-R-1070
6. 04-O-0914	46. 04-R-1071
7. 04-O-1064	47. 04-R-1072
8. 04-O-1101	48. 04-R-1073
9. 04-O-1118	49. 04-R-1074
10. 04-O-0987	50. 04-R-1075
11. 04-O-0990	51. 04-R-1076
12. 04-O-1116	52. 04-R-1077
13. 04-O-0662	53. 04-R-1078
14. 04-O-0663	54. 04-R-1079
15. 04-O-0664	55. 04-R-1080
16. 04-O-1018	56. 04-R-1081
17. 04-O-1106	57. 04-R-1082
18. 04-O-1112	58. 04-R-1083
19. 04-O-1113	59. 04-R-1084
20. 04-O-1119	60. 04-R-1085
21. 04-O-0785	61. 04-R-1086
22. 04-O-1007	62. 04-R-1087
23. 04-O-1103	63. 04-R-1089
24. 04-R-1022	64. 04-R-1090
25. 04-R-1043	65. 04-R-1091
26. 04-R-1047	
27. 04-R-1020	
28. 04-R-1035	
29. 04-R-1051	
30. 04-R-1052	
31. 04-R-1053	
32. 04-R-1111	
33. 04-R-1056	
34. 04-R-1107	
35. 04-R-1088	
36. 04-R-1092	
37. 04-R-1093	
38. 04-R-1094	
39. 04-R-1095	
40. 04-R-1096	