

ADOPTED BY
NOV 0 1 2004
COUNCIL

Entered - 02/26/04 - sb
CL04L0122 - DIANNE C. MITCHELL

04-R-1908

CLAIM OF: **JEARL ERVIN,**
through her attorney,
Jo Ann Fields
1745 Martin Luther King, Jr. Drive, SW
Atlanta, Georgia 30314

For damages alleged to have been sustained as a result of a vehicular accident on January 28, 2004 at West Ontario Avenue, SW and Derry Avenue, SW.

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 **JEARL ERVIN, through her attorney, Jo Ann Fields** the sum of **\$22,500.00** 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 January 28, 2004 at West Ontario Avenue, SW and Derry Avenue, SW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**, Settlement of Suits and Claims, Department of Law.

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

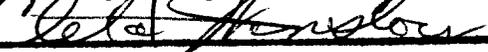
BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

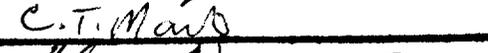
FAVORABLE REPORT

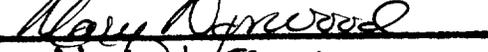
PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

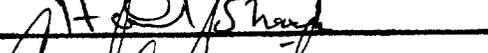
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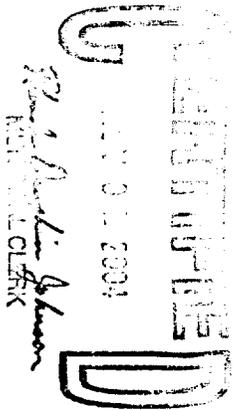
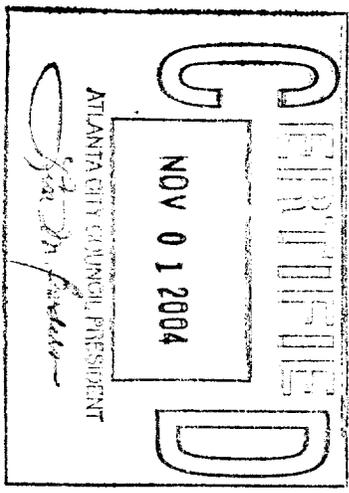
CHAIR: 

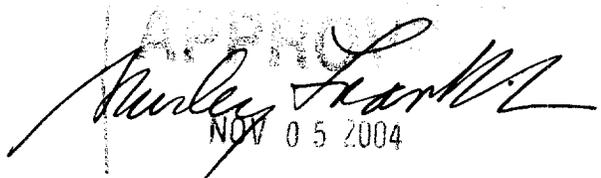

C.T. Martin


Mary Annwood


J. P. Shoup


Carla Smith




NOV 0 5 2004

WAYON



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-1908

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 to **Jearl Ervin, through her attorney, Jo Ann Fields** to in the sum of **\$22,500.00** 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 an vehicular accident on January 28, 2004 at West Ontario Avenue, SW and Derry Avenue, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 01, 2004
NOV 05, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0122

Date: October 14, 2004

Claimant /Victim JEARL ERVIN

BY: (Atty) Jo Ann Fields

Address: 1745 Martin Luther King, Jr. Drive, SW, Atlanta, Georgia 30314

Subrogation: Claim for Property damage \$ 5,242.07 Bodily Injury \$ 65,000.00

Date of Notice: 02/17/04 Method: Written, proper X Improper

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

Date of Occurrence 01/28/04 Place: West Ontario Avenue, SW and Derry Avenue, SW

Department Watershed Management Bureau: Storm Water

Employee involved Adrien Ogburn Disciplinary Action: 10 Day Suspension

NATURE OF CLAIM: As the claimant was attempting to turn right into a parking lot, her vehicle was rear ended by the driver of a City vehicle causing her to be injured and her vehicle to be damaged.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X 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

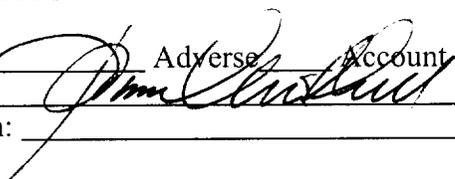
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 22,500.00 Adverse Account charged: 1A01 2J01 X 2H01 2P01

Claims Manager:  Concur/date 10/14/04

Committee Action: Council Action

RCS# 6199
11/01/04
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

| | | | |
|-----------|-------------|------------|------------|
| Y Smith | B Archibong | Y Moore | Y Mitchell |
| Y Starnes | B Fauver | B Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | Y Willis |
| Y Winslow | Y Muller | NV Sheperd | NV Borders |

CONSENT I

| | | 11-01-04 Council Meeting |
|-----------------------------|-----------------------------|------------------------------|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSED ON CONSENT |
| 1. 04-O-1626 | 38. 04-R-1878 | 48. 04-R-1162 |
| 2. 04-O-1795 | 39. 04-R-1940 | 49. 04-R-1172 |
| 3. 04-O-1796 | 40. 04-R-1908 | 50. 04-R-1178 |
| 4. 04-O-1828 | 41. 04-R-1909 | 51. 04-R-1782 |
| 5. 04-O-1819 | 42. 04-R-1910 | 52. 04-R-1900 |
| 6. 04-O-1929 | 43. 04-R-1911 | 53. 04-R-1901 |
| 7. 04-O-1758 | 44. 04-R-1912 | 54. 04-R-1902 |
| 8. 04-O-1932 | 45. 04-R-1913 | 55. 04-R-1903 |
| 9. 04-O-1430 | 46. 04-R-1914 | 56. 04-R-1904 |
| 10. 04-O-1926 | 47. 04-R-1915 | 57. 04-R-1905 |
| 11. 04-O-1885 | | 58. 04-R-1906 |
| 12. 04-O-1937 | | 59. 04-R-1907 |
| 13. 04-O-1941 | | |
| 14. 04-R-1893 | | |
| 15. 04-R-1894 | | |
| 16. 04-R-1895 | | |
| 17. 04-R-1916 | | |
| 18. 04-R-1917 | | |
| 19. 04-R-1918 | | |
| 20. 04-R-1920 | | |
| 21. 04-R-1896 | | |
| 22. 04-R-1897 | | |
| 23. 04-R-1898 | | |
| 24. 04-R-1899 | | |
| 25. 04-R-1930 | | |
| 26. 04-R-1884 | | |
| 27. 04-R-1886 | | |
| 28. 04-R-1888 | | |
| 29. 04-R-1889 | | |
| 30. 04-R-1890 | | |
| 31. 04-R-1891 | | |
| 32. 04-R-1928 | | |
| 33. 04-R-1938 | | |
| 34. 04-R-1870 | | |
| 35. 04-R-1871 | | |
| 36. 04-R-1874 | | |
| 37. 04-R-1945 | | |