

Entered - 09/18/03 - sb
CL03L0744 - DIANNE C. MITCHELL

04-*R*-0016

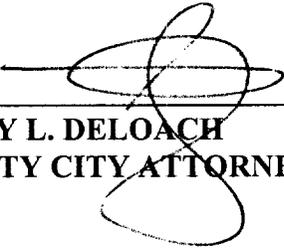
CLAIM OF: **NATIONWIDE MUTUAL FIRE
INSURANCE COMPANY**
as subrogee of **FLOYD LOUIS JONES,**
through its attorney,
Edward M. Harris
315 West Ponce de Leon Avenue
Suite 602
Decatur, Georgia 30030

JAN 20 2004

For damages alleged to have been sustained as a result of a vehicular accident on June 20, 2002 at 170 Garnett Street, SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

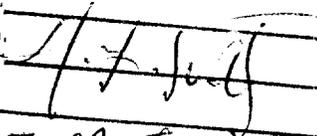
CERTIFIED
JAN 20 2004
Renee Sampson Johnson
MUNICIPAL CLERK

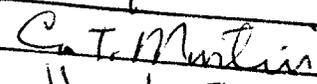
JAN 20 2004

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: 









OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

January 28, 2004

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

Edward M. Harris
Attorney at Law
315 West Ponce de Leon Ave.
Suite 602
Decatur, GA 30030

04-R-0016

RE: Nationwide Mutual Fire Insurance Co.
as

Dear Attorney Harris:

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 January 20, 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. 03L0744

Date: December 18, 2003

Claimant /Victim NATIONWIDE MUTUAL FIRE INSURANCE COMPANY as subrogee of Floyd Louis Jones
BY: (Atty) Edward M. Harris
Address: 315 West Ponce de Leon Avenue, Suite 602, Decatur, Georgia 30030
Subrogation: X Claim for Property damage \$ 2,762.20 Bodily Injury \$
Date of Notice: 08/29/03 Method: Written, proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 06/20/02 Place: 170 Garnett Street, SW
Department Municipal Court Division:
Employee involved Winston Greathouse Disciplinary Action: No Action Taken

NATURE OF CLAIM: The claimant alleges that the driver of the City vehicle struck his parked vehicle causing it to be damaged. The investigation determined that the claimant had illegally parked his vehicle in the middle of the street and left it unattended. Also, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5. Furthermore, the claimant has filed a lawsuit to resolve the issues raised in his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver X Claimant Driver X
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice X More than Six Months X 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: [Signature] Concur/date 12/30/03
Committee Action: Council Action

RCS# 5345
1/20/04
1:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-7 EXCEPT: 03-O-1954
03-O-2109
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 3

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

CONSENT I

1-20-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
<ol style="list-style-type: none"> 1. 04-O-0050 2. 04-O-0042 3. 03-O-2170 4. 03-O-1185 5. 03-O-2179 6. 03-O-0318 7. 04-R-0046 8. 04-R-0054 9. 04-R-0063 10. 04-R-0064 11. 04-R-0065 12. 03-R-0034 13. 03-R-2216 14. 04-R-0036 15. 04-R-0038 16. 04-R-0001 17. 04-R-0002 18. 04-R-0003 19. 04-R-0004 20. 04-R-0005 21. 04-R-0006 	<ol style="list-style-type: none"> 22. 04-R-0007 23. 04-R-0008 24. 04-R-0009 25. 04-R-0010 26. 04-R-0011 27. 04-R-0012 28. 04-R-0013 29. 04-R-0014 30. 04-R-0015 31. 04-R-0016 32. 04-R-0017 33. 04-R-0018 34. 04-R-0019 35. 04-R-0020 36. 04-R-0021 37. 04-R-0022 38. 04-R-0023 39. 04-R-0024 40. 04-R-0025 41. 04-R-0026 42. 04-R-0027 43. 04-R-0028 44. 04-R-0029