

Entered - 12/09/03 - sb  
CL03L0945 - DIANNE C. MITCHELL

CLAIM OF: **HEINZ BRODHEIM,**  
through his attorney,  
**Mary Carol Cooney**  
380 Robin Hood Road, NE  
Atlanta, Georgia 30309

04-R-0017

JAN 20 2004

For damages alleged to have been sustained as a result of denial of pension benefits on June 30, 2003.

THIS ADVERSED REPORT IS APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

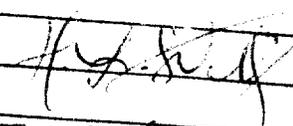
ADVERSED  
JAN 20 2004

**CERTIFIED**  
JAN 20 2004  
*Renee Davenport Johnson*  
MUNICIPAL CLERK

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE \_\_\_\_\_

CHAIR: 

*C. T. Martin*

*Howard Shanks*

*Carla Smith*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 26, 2004

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

Mary Carol Cooney  
Attorney at Law  
380 Robin Hood Road, NE  
Atlanta, GA 30309

04-R-0017

RE: Heinz Brodheim

Dear Attorney Cooney:

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. 03L0945

Date: December 18, 2003

Claimant /Victim HEINZ BRODHEIM  
BY: (Atty) Mary Carole Cooney  
Address: 380 Robin Hood Road, NE, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$  
Date of Notice: 11/18/03 Method: Written, proper X Improper       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 06/30/03 Place: 55 Trinity Avenue  
Department Finance Division:       
Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimant alleges he has been denied a fair calculation of pension benefits by the City and the Board of Trustees of the City of Atlanta General Employees Pension Fund. The claim has been resolved by the Board of Trustees of the City of Atlanta General Employees Pension Fund to the claimant's satisfaction.

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     

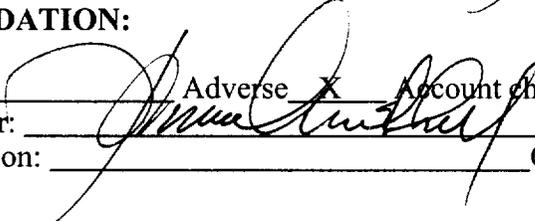
BASIS OF RECOMMENDATION:

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,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01      2P01       
Claims Manager:  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

<b>1-20-4 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 04-O-0050	22. 04-R-0007
2. 04-O-0042	23. 04-R-0008
3. 03-O-2170	24. 04-R-0009
4. 03-O-1185	25. 04-R-0010
5. 03-O-2179	26. 04-R-0011
6. 03-O-0318	27. 04-R-0012
7. 04-R-0046	28. 04-R-0013
8. 04-R-0054	29. 04-R-0014
9. 04-R-0063	30. 04-R-0015
10. 04-R-0064	31. 04-R-0016
11. 04-R-0065	32. 04-R-0017
12. 03-R-0034	33. 04-R-0018
13. 03-R-2216	34. 04-R-0019
14. 04-R-0036	35. 04-R-0020
15. 04-R-0038	<b>36.</b> 04-R-0021
16. 04-R-0001	37. 04-R-0022
17. 04-R-0002	38. 04-R-0023
18. 04-R-0003	39. 04-R-0024
19. 04-R-0004	40. 04-R-0025
20. 04-R-0005	41. 04-R-0026
21. 04-R-0006	42. 04-R-0027
	43. 04-R-0028
	44. 04-R-0029