

Entered - 11/12/03 - sb
CL - 03L0890 LISA CARTER

04-*R* -0023

CLAIM OF: ALLSTATE

As subrogee of Robert L. Neptune
P.O. Box 168288
Irving, Texas 75016

For damages alleged to have been sustained as a result of a tree falling on his vehicle on August 23, 2003 at 135 West Wieuca Road.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED

JAN 20 2004

JAN 20 2004

CERTIFIED
JAN 20 2004
Renee Douglas Johnson
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/13/03
CHAIR: *H. G. Smith*

C. T. Martin
Harold Shook
Carla Smith



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

Allstate as subrogee of
Robert L. Neptune
Attn: Subrogation Claim Rep.
P.O. Box 168288
Irving, Texas 75016

04-R-0023

Dear Madam or Sir:

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 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. 03L0890

Date: January 4, 2004

Claimant /Victim ALLSTATE as subrogee Robert L. Neptune

BY: (Atty) (Ins. Co.) _____

Address: P.O. Box 168288 Irving, Texas 75016

Subrogation: Claim for Property damage \$ 3,240.65 Bodily Injury \$ _____

Date of Notice: 11/5/03 Method: Written, proper Improper _____

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

Date of Occurrence 08/23/03 Place: 135 West Wieuca Road (Between Dudley Lane and Stella Driv

Department _____ Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of a tree falling on his vehicle. However, an investigation determined that the location of the alleged incident is outside of the Atlanta city limits.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police Dept Report Other

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

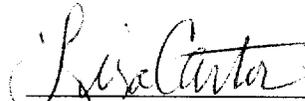
Improper Notice _____ More than Six Months _____ Other Damages reasonable _____

City not involved Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

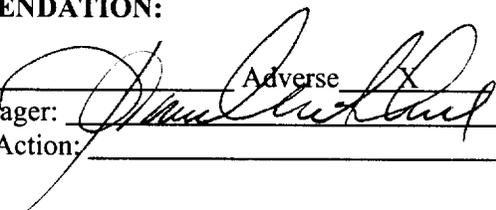
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse Account charged: 1A01 _____ 2J01 _____ 2H01 _____

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 Bcazman	NV Woolard

CONSENT I

1-20-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
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	36. 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