Entered 11-3-03 - sb
CL 03L0863 GWENDOLYN BURNS

04-R-0108

CLAIM OF: MICHAEL DAVID
P.O. Box 4641
Atlanta, Georgia 30302

FEB 0 2 2004

For vehicular damages allegedly sustained when an automobile rear-ended a Yellow Cab vehicle on September 29, 2001 at Piedmont Avenue, NE & Morosgo Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FEB 0 2 2004
MUNICIPAL CLERK

FAVORABLE REPORT
PUBLIC SAFTEY &
LEGAL ADMIN.
DATE 1/27/04
CHAIR:

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

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

February 6, 2004

Michael David
P.O. Box 4641
Atlanta, 30303

04-R-0108

Dear Mr. David:

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 February 02, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0863 Date: January 15, 2004

Claimant /Victim **MICHAEL DAVID**
BY: (Atty) (Ins. Co.)
Address: P.O. Box 4641, Atlanta, Georgia 30302
Subrogation: _____ Claim for Property damage $_____ Bodily Injury $ _____
Date of Notice: 10/31/03 Method: Written, Proper_____ Improper X
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.)_____
Date of Occurrence 9/29/01 Place: Piedmont Avenue, NE & Morosgo Drive, NE
Department POLICE Bureau: Vehicles for Hire
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when his automobile was backed into by a taxi cab owned by Yellow Cab Company. Claimant further contends that the City is liable for his damages because it allowed the taxi cab, whose VIN number had been altered, to operate on City streets. However, the claim fails to meet the requirements of notice as set forth in O.C.G.A. §36-33-5 as the statue of limitation expired before receipt of the claim.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice X More than Six Months X 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 - GWENDOLYN BURNS

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01_____ 2PO1_____ 2J01_____ 2H01___
Claims Manager: _____ Concur/date 01-15-04
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5372
2/02/04
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14 EXCEPT; 04-R-0185, 04-R-0186
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

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

CONSENT I

	2-02-4 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**
1. 04-O-0033 2. 04-O-0037 3. 04-O-0151 4. 04-O-0159 5. 04-O-0153 6. 04-R-0176 7. 04-R-0133 8. 04-R-0178 9. 04-R-2123 10. 04-R-0135 11. 04-R-0136 12. 04-R-0137 13. 04-R-0138 14. 04-R-0139 15. 04-R-0145 16. 04-R-0146 17. 04-R-0147 18. 04-R-0148 19. 04-R-0149 20. 04-R-0150 21. 04-R-0154 22. 04-R-0160 23. 04-R-0161 24. 04-R-0162 25. 04-R-0164 26. 04-R-0184 27. 04-R-0140 28. 04-R-0170 29. 04-R-0076 30. 04-R-0077 31. 04-R-0078 32. 04-R-0079 33. 04-R-0080 34. 04-R-0081 35. 04-R-0082 36. 04-R-0083 37. 04-R-0084 38. 04-R-0085 39. 04-R-0086 40. 04-R-0087	41. 04-R-0088 42. 04-R-0089 43. 04-R-0090 44. 04-R-0091 45. 04-R-0092 46. 04-R-0093 47. 04-R-0094 **ITEMS ADVERSED ON CONSENT** 48. 04-R-0096 49. 04-R-0097 50. 04-R-0098 51. 04-R-0099 52. 04-R-0100 53. 04-R-0101 54. 04-R-0102 **55.** 04-R-0103 56. 04-R-0104 57. 04-R-0105 58. 04-R-0106 59. 04-R-0107 60. 04-R-0108 61. 04-R-0109 62. 04-R-0110 63. 04-R-0111 64. 04-R-0112 65. 04-R-0113 66. 04-R-0114 67. 04-R-0115 68. 04-R-0116 69. 04-R-0117 70. 04-R-0118 71. 04-R-0119 72. 04-R-0120 73. 04-R-0121 74. 04-R-0122 75. 04-R-0123 76. 04-R-0124