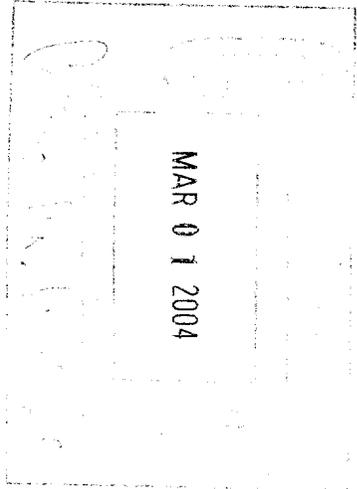


Entered - 10/27/03 - sb  
CL03L0835 - DIANNE C. MITCHELL

CLAIM OF: **CHARLES AND PAGE GARCIA,**  
through their attorney,  
**David A. Cornelius**  
114 East Ponce de Leon Avenue  
Decatur, Georgia 30030

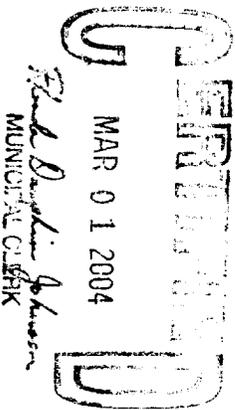
04-*R*-0289



For damages alleged to have been sustained as a result of a vehicular accident on March 18, 2002 at 180 Northside Drive and Fair Drive.

THIS ADVERSED REPORT IS APPROVED

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

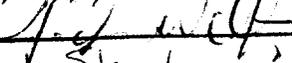


**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

  
MAR 01 2004

DATE: 2/24/04

CHAIR: 

Hunt Shook

C. T. Maguire

Carla Smith

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

March 5, 2004

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

David A. Cornelius  
Attorney at Law  
114 East Ponce de Leon Ave.  
Decatur, GA 30030

04-R-0289

RE: Charles & Page Garcia

Dear Attorney Cornelius:

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 March 05, 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. 03L0835

Date: February 10, 2004

Claimant /Victim CHARLES AND PAGE GARCIA  
BY: (Atty) David A. Cornelius  
Address: 114 East Ponce de Leon Avenue, Decatur, Georgia 30030  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 40,000.00  
Date of Notice: 10/24/03 Method: Written, proper X Improper       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/18/02 Place: 180 Northside Drive and Fair Drive  
Department Watershed Management Bureau: Wastewater  
Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimants allege that they were injured as a result of a vehicular accident with the driver of a City vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

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

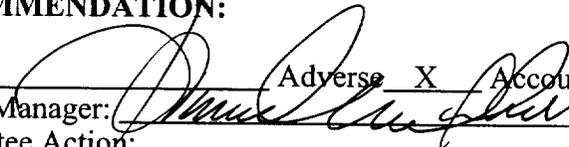
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial       
Improper Notice      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 - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$      Adverse X Account charged: 1A01      2J01      2H01      2P01       
Claims Manager:  Concur/date 02/12/04  
Committee Action:      Council Action

RCS# 5475  
3/01/04  
3:54 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I , EXCEPT: 04-O-0328,04-O-0047  
04-O-0221,04-R-0309,04-O-0324,04-O-0216  
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	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>3-01-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
<ol style="list-style-type: none"> <li>1. 04-O-0324</li> <li>2. 04-O-0328</li> <li>3. 04-O-0332</li> <li>4. 04-O-0337</li> <li>5. 04-O-0338</li> <li>6. 04-O-0339</li> <li>7. 04-O-0155</li> <li>8. 04-O-0047</li> <li>9. 04-O-0221</li> <li>10. 04-O-0251</li> <li>11. 04-R-0039</li> <li>12. 04-R-0305</li> <li>13. 04-R-0306</li> <li>14. 04-R-0307</li> <li>15. 04-R-0308</li> <li>16. 04-R-0353</li> <li>17. 04-R-0298</li> <li>18. 04-R-0301</li> <li>19. 04-R-0313</li> <li>20. 04-R-0344</li> <li>21. 04-R-0345</li> <li>22. 04-R-0366</li> <li>23. 04-R-0248</li> <li>24. 04-R-0297</li> <li>25. 04-R-0325</li> <li>26. 04-R-0326</li> <li>27. 04-R-0336</li> <li>28. 04-R-0343</li> <li>29. 04-R-0355</li> <li>30. 04-R-0299</li> <li>31. 04-R-0316</li> <li>32. 04-R-0062</li> <li>33. 04-R-0302</li> <li>34. 04-R-0303</li> <li>35. 04-R-0304</li> <li>36. 04-R-0309</li> <li>37. 04-R-0354</li> <li>38. 04-R-0275</li> <li>39. 04-R-0276</li> <li>40. 04-R-0277</li> </ol>	<ol style="list-style-type: none"> <li>41. 04-R-0278</li> <li>42. 04-R-0279</li> <li>43. 04-R-0280</li> </ol> <p><b>ITEMS ADVERSED ON CONSENT</b></p> <ol style="list-style-type: none"> <li>44. 04-R-0281</li> <li>45. 04-R-0282</li> <li>46. 04-R-0283</li> <li>47. 04-R-0284</li> <li>48. 04-R-0285</li> <li>49. 04-R-0286</li> <li>50. 04-R-0287</li> <li>51. 04-R-0288</li> <li>52. 04-R-0289</li> <li>53. 04-R-0290</li> <li>54. 04-R-0291</li> <li>55. 04-R-0292</li> <li>56. 04-R-0293</li> <li>57. 04-R-0294</li> <li>58. 04-R-0295</li> <li>59. 04-R-0296</li> </ol>