

Entered - 08/13/03 - sb
CL03L0643 - DIANNE C. MITCHELL

CLAIM OF: **JANA COLLETT,**
through her attorney,
Robert J. Fleming
2970 Peachtree Road, NW
Suite 805
Atlanta, Georgia 30305

04-*R*-0291

For damages alleged to have been sustained as a result of a vehicular accident on March 27, 2003 at 1522 Dekalb Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/24/04

CHAIR: [Signature]

Harold Smith

C. T. Martin

Carla Smith

MAR 01 2004

MAR 01 2004
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

MAR 01 2004



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

Robert J. Fleming
2970 Peachtree Rd., NW
Suite 805
Atlanta, GA 30305

04-R-0291

RE: Jana Collett

Dear Attorney Fleming:

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, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0643

Date: February 6, 2004

Claimant /Victim JANA COLLETT
BY: (Atty) Robert J. Fleming
Address: 2970 Peachtree Road, NW, Suite 805, Atlanta, Georgia 30305
Subrogation: Claim for Property damage \$ Bodily Injury \$ 3,000,000.00
Date of Notice: 06/11/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/27/03 Place: 1522 Dekalb Avenue
Department Public Works Division: Transportation
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when a vehicle traveling in the far right lane attempted to make a left turn and collided with the motorcycle on which she was a passenger, traveling in the middle (reversible) lane. The investigation determined that the City had no notice of any problems with the lane signals prior to the accident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police X Dept Report 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 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,

[Handwritten Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

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

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