

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

April 29, 2004

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

Motors Insurance Corp.
Insurance carrier
Attn: Lee Johnson
P.O. Box 105706
Atlanta, GA 30328

04-R-0550

RE: Mary Henderson

Dear Mr. Johnson:

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 April 19, 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. 03L0679

Date: March 4, 2004

Claimant /Victim MARY HENDERSON
BY: (Ins. Carrier) Motors Insurance Corporation
Address: P. O. Box 105706, Atlanta, Georgia 30348
Subrogation: X Claim for Property damage \$ Not Stated Bodily Injury \$
Date of Notice: 08/13/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/17/03 Place: Crogman Avenue, SE and Brown Avenue, SE
Department Public Works Division: Transportation
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges its insured was involved in a vehicular accident with a private vehicle due to her view of oncoming traffic being obstructed by a bush at the above intersection. The investigation determined that the City had no notice of any problems related to the intersection prior to or after the accident. 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 Diagrams Reports: Police 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 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: [Signature] Concur/date 03/17/04
Committee Action: Council Action

Motor Insurance Corporation

July 31, 2003

171
M. Mitchell
08/22/03
D

RECEIVED

AUG 13 2003

Atlanta City Council
Attn: Municipal Court
55 Trinity Ave. S.W.
Atlanta, GA 30335

MUNICIPAL CLERK

ENTERED - 8-22-03 - SB
03L0679 - DIANNE MITCHELL

Re: Location of Occurrence: Crogman Ave & Brown Ave
Date of Loss: 06/17/2003
Our Claim Number: 52641
Our Policy Number: 01 CPI 0743508
Our Insured: Mary Henderson

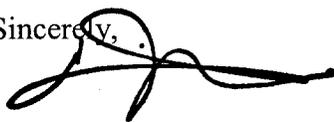
To Whom It May Concern:

A claim has been presented to us as a result of the captioned incident. This letter is to let you know that we have subrogation rights under our insured's policy.

The information that we have received reveals the city's neglect to maintain adequate upkeep to allow proper viewing distance of the road at Crogman Ave and Brown Ave intersection, in Atlanta, GA.

Should you have any questions, I can be reached at (800) 225-5642 ext. 2245. Our fax number is (800) 337-9264.

Sincerely,



Lee Johnson
Claim Representative

04-R-0550

Entered - 08/22/03 - sb
CL03L0679 - DIANNE C. MITCHELL

CLAIM OF: **MARY HENDERSON,**
through her insurance carrier,
Motors Insurance Corporation
P. O. Box 105706
Atlanta, Georgia 30328

04-*R*-0550

For damages alleged to have been sustained as a result of a vehicular accident on June 17, 2003 at Crogman Avenue, SE and Brown Avenue, SE.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

CERTIFIED
APR 19 2004
COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 19 2004
MUNICIPAL CLERK

APR 19 2004