

MUNICIPAL CLERK  
ATLANTA, GEORGIA

04-R-0588

A RESOLUTION

BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **State Farm Insurance Company as subrogee of John P. Howard** in the sum of **\$5,447.55** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of an automobile accident on August 6, 2003 at Peachtree Road, NE and Brighton Road, NE** as set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,  
*Rionka Daughin Johnson*  
Municipal Clerk

ADOPTED by the Council  
APPROVED by the Mayor

April 19, 2004  
April 27, 2004

RCS# 5585  
4/19/04  
3:03 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-18, EXCEPT:04-R-0538  
04-O-0487 04-R-0473  
ADOPT

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

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

CONSENT I

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-0588**

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DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0031

Date: March 16, 2004

Claimant/Victim STATE FARM INSURANCE COMPANY as subrogee of John P. Howard

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 11350 Johns Creek Parkway Duluth, Georgia 30096

Subrogation: X Claim for Property damage \$ 5,447.55 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/21/04 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 08/06/03 Place: Peachtree Road, NE and Brighton Road, NE

Department Public Works Bureau: Highways and Streets Division: \_\_\_\_\_

Employee involved Samuel U. Oliver Disciplinary Action: Defensive Driving Course

NATURE OF CLAIM: The driver of the city vehicle failed to yield right-of-way while making a left turn striking the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written X Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver X Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

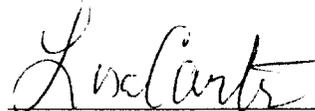
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 5,447.55 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager: [Signature] Concur/date 03/17/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

# State Farm Insurance Companies



Auto Claim Central - Subrogation U  
11350 Johns Creek Parkway  
Duluth, GA 30098-0001

January 15, 2004

**ENTERED - 1-21-04 - SB**  
**04L0031 - LISA CARTER**

City Of Atlanta Public Works Attn: Law Dept  
68 Mitchell St  
Atlanta, GA 30303

*Carter*  
*01/21/04*  
*[Signature]*

RE: Claim Number: 11-4154-582  
Our Insured: John P Howard  
Date of Loss: August 6, 2003  
Amount of Loss: \$5,447.55

Dear City Of Atlanta Public Works Attn: Law Dept:

We have not received a response from you or your insurance company to our previous letter. This is a follow-up request for your position in this matter.

If we do not hear from you within 15 days, it will be necessary that we use other means to enforce recovery of our claim. Your cooperation is appreciated.

Sincerely,

*[Signature]*  
Jody Mullins  
Claim Processor  
(770) 418-5750

State Farm Mutual Automobile Insurance Company

**04-R -0588**

**ADOPTED BY**  
**APR 19 2004**  
**COUNCIL**

Entered - 01/21/04 - sb  
CL - 04L0031 - LISA CARTER

**CLAIM OF: STATE FARM INSURANCE COMPANY,**  
**as subrogee of JOHN P. HOWARD**  
**11350 Johns Creek Parkway**  
**Duluth, Georgia 30096**

**04- 2-0588**

For damages alleged to have been sustained as a result of an automobile accident on August 6, 2003 at Peachtree Road, NE and Brighton Road, NE.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **STATE FARM INSURANCE COMPANY, as subrogee of John P. Howard** the sum of **\$5,447.55** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an automobile accident on August 6, 2003 at Peachtree Road, NE and Brighton Road, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

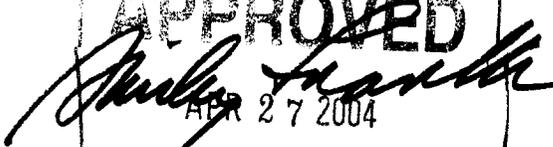
**APPROVED: LINDA K. DISANTIS**  
**CITY ATTORNEY**

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

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04  
CHAIR: [Signature]  
[Signature]  
[Signature]  
[Signature]

**APPROVED**  
  
APR 27 2004  
**MAYOR**

**CERTIFIED**  
**APR 19 2004**  
  
**COUNCIL PRESIDENT PROTEM**

**CERTIFIED**  
**APR 19 2004**  
  
**MUNICIPAL CLERK**