



MUNICIPAL CLERK
ATLANTA, GEORGIA

04-R-0590

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 **Avery L. Brittain** in the sum of **\$2,336.12** 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 December 19, 2003 at 2469 Piedmont 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,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Council
APPROVED by the Mayor

April 19, 2004
April 27, 2004

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DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L008

Date: March 17, 2004

Claimant /Victim AVERY L. BRITAIN

BY: (Atty) (Ins. Co.)

Address: 6960 Factory Shoals Road, Austell, Georgia 30168

Subrogation: Claim for Property damage \$ 2,550.61 Bodily Injury \$

Date of Notice: 1/23/04 Method: Written, Proper X Improper

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

Date of Occurrence 12/19/03 Place: 1117 Stillwood Drive, NE

Department PUBLIC WORKS Bureau: Street Operations

Employee involved William Brown Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained property damage when it was rear-swiped by a City truck. The City driver was cited for "following too closely".

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report X Other X

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,

Gwendolyn Burns
INVESTIGATOR GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,336.12 Adverse Account charged: 1A01 X 2P01 2J01 2H01

Claims Manager: Concur/date 03/18/04

Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Post Mark Date _____
By _____

RE: CLAIM FOR DAMAGES

BURNS
01/28/04

Today's Date: Jan. 13, 2004

JAN 23 2004

ENTERED - 2-2-04 - SB
04L0046 - GWEN BURNS

Dear Municipal Clerk:

Post Mark Date _____
By _____

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,550.61 property and/or \$ NA bodily injury for which I contend the City is liable.

1. Date of incident: 12/19/03 (month/day/year) 2. Time of Incident: 13:45 3. Police called: Yes No

4. Location of incident (including street address): 2469 Piedmont Rd NE

5. Name of your insurance company: State Farm Policy No. 673616-A1011A

6. State what and how incident occurred: Georgia.
I was at a traffic light, in lots of traffic when a truck hit me from behind.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Bmw (Make) 1987 (Year) 8346 ABS (Tag Number) Avery L. Brittain (Driver's Name)
City vehicle: Chermet Kodiak (Make) William Brown (City Driver's Name) Public Works (Department/Bureau)

9. Witness: Bill Westmoreland (Name) 1507 Northhill PWKY Atl.Ga. (Address) 30341 (Telephone Number) (770) 451-0105

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Avery L. Brittain
Signature of Claimant

Avery L. Brittain (Print Claimant's Name)
6960 Factory Shoals Rd (Address)
Austell, Ga. 30168 (City, State and Zip Code)
(404) 459-8602 (Work Number) (770) 944-0544 (Home Number)

04-R-0590

Entered - 2-2-04 - sb
CL. 04L6946 - GWENEOLYN BURNS

CLAIM OF: **AVERY L. BRITAIN**
6960 Factory Shoals Road
Austell, Georgia 30168

04-*r* -0590

ADOPTED BY
COUNCIL
APR 19 2004

For vehicular damages alleged to have been sustained as a result of an automobile accident on December 19, 2003 at 2469 Piedmont Road, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **AVERY L. BRITAIN** the sum of **\$2,336.12** 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 December 19, 2003 at 2469 Piedmont 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
[Signature]
APR 27 2004
MAYOR

CERTIFIED
APR 19 2004
[Signature]
COUNCIL PRESIDENT
CERTIFIED
APR 19 2004
[Signature]
MUNICIPAL CLERK