



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0601

A RESOLUTION

**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 **Roy Burris, through his attorney, Diana Lynch** to in the sum of **\$15,000.00** in full 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 a vehicular accident on February 14, 2003 at Blairsbridge Road and Mt. Vernon Road** as is more particularly 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

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

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DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0265

Date: March 18, 2004

Claimant /Victim ROY BURRIS
BY: (Atty) Diana Lynch
Address: 505 Pryor Street, SW, Atlanta, Georgia 30312
Subrogation: Claim for Property damage \$ Bodily Injury \$ 32,000.00
Date of Notice: 04/03/03 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 02/14/03 Place: Blairsbridge Road and Mt. Vernon Road
Department Fire Bureau:
Employee involved K. L. Green Disciplinary Action: 5 Day Suspension

NATURE OF CLAIM: The driver of the City vehicle lost control of same, drove left of the center lane and collided with the vehicle in which the claimant was riding causing him to be injured in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X 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 Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 15,000.00 Adverse Account charged: 1A01 X 2J01 2H01 2P01
Claims Manager:  Concur/date 03/18/04
Committee Action: Council Action

FORM 23-61

04- -0601

|

LYNCH CAMERON LAW FIRM, P.C.

ATTORNEYS AND COUNSELORS AT LAW
PEACHTREE CENTER NORTH TOWER
235 PEACHTREE STREET, NW, SUITE 400
ATLANTA, GEORGIA 30303
(404) 880-3330 (OFFICE)/ (404) 880-3381 (FACSIMILE)

FIRE
M. Mitchell
03/03/03
[Signature]

March 21, 2003

ENTERED - 4-4-03 - SB
03L0265 - DIANNE MITCHELL

VIA CERTIFIED MAIL NO.

City of Atlanta
Municipal Clerk
Attention Law Department
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303-3520

RE: Anti Litem Notice of Claim and Firm Representation
CLAIM#: Please Establish Claim and Provide Reference Number
CASE # GA Highway Patrol Case No. 04-0476-03
YOUR INSURED: City of Atlanta Fire Department (Self Insured)
POLICY#/CASE#: Fleet
CITY EMPLOYEE/DRIVER: Kennedy Leon Green
EMPLOYEE DRIVER LIC.#: 253416418
CITY VEHICLE: VIN 2FALP71W5SX207806
TAG#/VEHICLE DESCRIPTION: 89893 CROWN VICTORIA BLACK
CLIENT: Alenah M. Tsutras, Mecca Williams, Roy Burris
DATE OF LOSS: 2/14/03

Dear Law Department:

Our firm has been retained by the above individuals to represent their interests in their personal injury claims against the the City of Atlanta resulting from injuries sustained on February 14, 2003, as a result of the gross negligence of the City's employee Kennedy L. Green.

On February 14, 2003, our clients were traveling eastbound along Blairsbridge Road when the 1996 Crown Victoria being driven by Mr. Green left the roadway onto the north shoulder where it traveled 150 feet before traveling back onto the roadway and spinning violently into the eastbound lane where our clients were traveling, resulting in a head on collision with our client's vehicle. Mr. Green's vehicle coreened uncontrollably and at excessive speeds into our client's vehicle causing direct and considerable damage to our clients' persons and their vehicle.

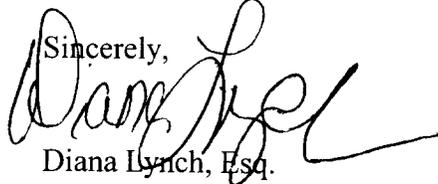
Enclosed is a copy of the police report. We, however, do not believe that there exists a real issue of liability in this case. In fact, our clients indicated that they even observed Mr. Green discharge a bottle from his vehicle before police arrived. We have enclosed a photograph of the bottle we believe was discarded from Mr. Green's vehicle taken by our client on the day

Tsutras, et al v. City of Atlanta
Personal Injury Claim Anti Litem Notice
Letter of Representation
Page 2 of 2
March 21, 2003

following day. We have also enclosed various other photographs of the accident scene, as well as photographs of our client's vehicle and personal injuries following the collision.

Our client, Alenah Tsutras was transported by ambulance to the emergency room and Mecca Williams and Roy Burris were immediately transported by private vehicle to the emergency room as well, were they all were treated for extremely serious injuries, including but not limited to lacerations to their face and arms and legs. At this time our clients are still treating from their very serious injuries. Once they have fully recovered and have been released by their doctor, our office will be in touch with you in an effort to settle this claim. Their vehicle was totalled as a result of the collision. There will likely be a related property damage claim resulting from this collision by Ms. Tsutras' insurance company, Alpha Property & Casualty, however, this firm will be handling only the resulting personal injury claims for these individuals.

In the meantime, please direct all inquiries to my attention here at the Lynch Cameron Law Offices, P.C. I am also available to speak with you if you have any questions and or need any additional information regarding this matter. Please forward any medical release forms to my attention at this office for execution by our clients. Thank you and best regards!

Sincerely,

Diana Lynch, Esq.

encl. Medical Report(s)
Photographs of Scene and Injuries
Police Report

ADOPTED BY
APR 19 2004
COUNCIL

Entered - 04/04/03 - sb
CL03L0265 - DIANNE C. MITCHELL

CLAIM OF: **ROY BURRIS,**
through his attorney,
Diana Lynch
505 Pryor Street, SW
Atlanta, Georgia 30312

04-R-0601

For damages alleged to have been sustained as a result of a vehicular accident on February 14, 2003 at Blairsbridge Road and Mt. Vernon Road.

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 **ROY BURRIS, through his attorney, Diana Lynch** the sum of **\$15,000.00** in full 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 a vehicular accident on February 14, 2003 at Blairsbridge Road and Mt. Vernon Road 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]

[Signature]

COUNCIL PRESIDENT PROGRAM

CERTIFIED
APR 19 2004
Renee Dandridge Johnson
MUNICIPAL CLERK

APPROVED
[Signature]
APR 27 2004
MAYOR