

Entered - 05/06/03 - sb
CL - 03L00348 - LISA CARTER

CLAIM OF: LISA M. KIRSCHENMAN
4103 Chastain Park Court, NE
Atlanta, Georgia 30342

04-R-0669

For damages alleged to have been sustained as a result of an automobile accident on December 8, 2002 at the intersection of 10th Street and Juniper Street.

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 LISA M. KIRSCHENMAN the sum of \$538.71 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 8, 2002 at the intersection of 10th Street and Juniper Street 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.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: R. S. L. A.

DATE: 4/30/04

CHAIR: JA

Hynd Smith

Maya Greenwood

Christy Smith

Cela Henderson

APPROVED

MAY 11 2004
MAYOR

ADOPTED BY
MAY 3 2004
COUNCIL

MAY 03 2004

MAY 3 2004

COUNCIL PRESIDENT PROTEM

CERTIFIED



MUNICIPAL CLERK
ATLANTA, GEORGIA

04-R-0669

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 **Lisa M Kirschenman** in the sum of **\$538.71** 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 8, 2002 at the intersection of 10th Street and Juniper** 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 Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

May 3, 2004
May 11, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0348

Date: April 13, 2003

Claimant /Victim LISA M. KIRSCHENMAN

BY: (Atty) (Ins. Co.) _____

Address: 4103 Chastain Park Court, NE Atlanta, Georgia 30342

Subrogation: _____ Claim for Property damage \$ 3,443.94 Bodily Injury \$ _____

Date of Notice: 04/29/03 Method: Written, proper X Improper _____

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

Date of Occurrence 12/08/02 Place: Intersection of 10th Street and Juniper Street

Department Police Services Bureau: _____ Division: _____

Employee involved Daniel Genson, Jr. Disciplinary Action: _____

NATURE OF CLAIM: The driver of the city vehicle collided with another vehicle, causing it to strike the claimant's vehicle resulting in damages in the above amount. The claimant has elected to receive payment for her damages through her insurance carrier and they have filed a subrogation claim. However, the claimant's deductible and repairs for a transmission leak were not included in the subrogation claim. (see claim number 03L0310)

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X

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 _____

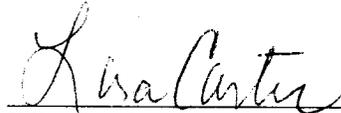
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. X Repair/replacement by City Forces _____

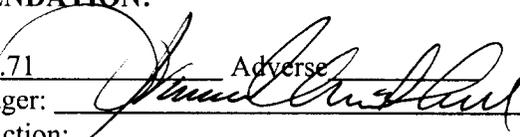
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 538.71 Adverse _____ Account charged: 1A01 X 2J01 _____ 2P01 _____

Claims Manager:  Concur/date 04/15/04

Committee Action: _____ Council Action _____

Curry
Carter

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED

RE: CLAIM FOR DAMAGES

APR 29 2003

Today's Date: 4/14/03

MUNICIPAL CLERK

ENTERED - 5-6-03 - SB
03L0348 - LISA CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 3443.94 property and/or \$ 0 bodily injury for which I contend the City is liable.

- Date of incident: 12-8-02 2. Time of incident: 8:15 3. Police called: M. Catkins
- Location of incident (including street address): Intersection of 10th & Juniper St.
- Name of your insurance company: Amex Assurance Policy No. AX00124998
- State what and how incident occurred: Officer Genson was responding to a call - proceeded through a traffic light (which was red) collided with Mr. Winrow, lost control & hit my vehicle head on. City Court of Atlanta ruled that the police officer was at fault.

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.

Your vehicle: Ford 1997 173 JGF Lisa M. Kirschenman
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: Ford 2002 Daniel Genson, Jr. Atlanta Police Dept.
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Kathy Dubig (passenger) Jaquetta Scates (following car)

10. The acknowledgement 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 from the date of the event.

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

Lisa M. Kirschenman
Signature of Claimant

Lisa M. Kirschenman
(Print Claimant's Name)

4103 Chastain Park Ct, NE
(Address)

Atlanta, GA 30342
(City, State and Zip Code)

404 965-6024 404 255-2585
(Work Number) (Home Number)

|

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 03L0348

\$ 538.71

IN CONSIDERATION of the sum of FIVE HUNDRED THIRTY-EIGHT AND 71/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about 8th day of December 2002, at or near Intersection of 10th Street and Juniper Street.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 26th day of March, 2004.

Lisa M. Kirschenman (LS)
LISA M. KIRSCHENMAN

The above release was read and explained to, and signed by the said LISA M. KIRSCHENMAN

_____ in our presence on the date above written.

Jim Hollier
Beth Peterson
WITNESSES

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0669

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 **Lisa M Kirschenman** in the sum of **\$538.71** 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 8, 2002 at the intersection of 10th Street and Juniper** 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.