

Entered - 3/9/05 - sb
CL- 05L0167 - Angelena Kelly

05- R -1035

Claim of: Gwendolyn Shivers
1759 Cascade Terrace SW
Atlanta, GA 30311

For damages allegedly sustained as a result of a golf ball from John A. White driving range breaking her window on August 27, 2004 at 1759 Cascade Terrace SW.

THIS ADVERSED REPORT IS APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/14/05

CHAIR: Cleta Henslow

C. T. Martin

Carla Smith

Hani Shuh

Ray Norwood

JUN 20 2005

ADVERSED BY
CITY COUNCIL

JUN 20 2005

[Faint handwritten notes and stamps]



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK
June 22, 2005

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

Gwendolyn Shivers
1759 Cascade Terr., SW
Atlanta, GA 30311

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

05-R-1035

Dear Ms. Shivers:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on June 20, 2005. 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.**

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 05L0167

Date: May 31, 2005

Claimant /Victim Gwendolyn Shivers

BY:(Atty)(Ins. Co.)

Address: 1759 Cascade Terrace SW, Atlanta, GA 30311

Subrogation: Claim for Property damage \$ 359.84 Bodily Injury \$

Date of Notice: 2/25/05 Method: Written, proper X Improper

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

Date of Occurrence 8/27/04 Place: 1759 Cascade Terrace SW

Department PRCA Division: Parks

Employee involved Disciplinary Action:

NATURE OF CLAIM: This claimant alleges that she sustained damage as a result of a golf ball from John A White driving range broke her window. The City is not responsible for the tort acts of third parties.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other X

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 X Offer rejected Compromise settlement

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

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Investigator signature: ANGELENA KELLY

RECOMMENDATION:

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

Claims Manager: Concur/date 5/26/05

Committee Action: Council Action

		6/20/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-1075	31. 05-R-1069	55. 05-R-1023
2. 05-O-1076	32. 05-R-1072	56. 05-R-1024
3. 05-O-1078	33. 05-R-0903	57. 05-R-1025
4. 05-O-1101	34. 05-R-1062	58. 05-R-1026
5. 05-O-1102	35. 05-R-1063	59. 05-R-1027
6. 05-O-1103	36. 05-R-1064	60. 05-R-1028
7. 05-O-1089	37. 05-R-1054	61. 05-R-1029
8. 05-O-1099	38. 05-R-1055	62. 05-R-1030
9. 05-O-0904	39. 05-R-1056	63. 05-R-1031
10. 05-O-0910	40. 05-R-1057	64. 05-R-1032
11. 05-O-0911	41. 05-R-1073	65. 05-R-1033
12. 05-O-0912	42. 05-R-1074	66. 05-R-1034
13. 05-O-0916	43. 05-R-1108	67. 05-R-1035
14. 05-O-0968	44. 05-R-1116	68. 05-R-1036
15. 05-O-0976	45. 05-R-1117	69. 05-R-1037
16. 05-O-1080	46. 05-R-0819	70. 05-R-1038
17. 05-O-0981	47. 05-R-1043	71. 05-R-1039
18. 05-O-0982	48. 05-R-1044	72. 05-R-1040
19. 05-O-1085	49. 05-R-1047	73. 05-R-1041
20. 05-O-1104	50. 05-R-1049	74. 05-R-1042
21. 05-O-1105	51. 05-R-1019	
22. 05-O-1106	52. 05-R-1020	
23. 05-O-0960	53. 05-R-1021	
24. 05-O-0961	54. 05-R-1022	
25. 05-R-1060		
26. 05-R-1061		
27. 05-R-1077		
28. 05-R-1098		
29. 05-R-1067		
30. 05-R-1068		