

ADVERSED BY  
CITY COUNCIL  
MAR 2 1 2005

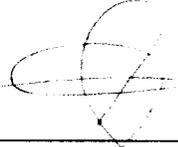
Entered - 02/02/05 - sb  
CL - 05L0076 LISA CARTER

05-*R*-0448

CLAIM OF: CAROL PEARSON  
105 Rumson Road #16  
Atlanta, Georgia 30305

For damages alleged to have been sustained as a result of striking  
an open construction cut on July 23, 2004 at Lindbergh Drive at  
Peachtree Hills Avenue.

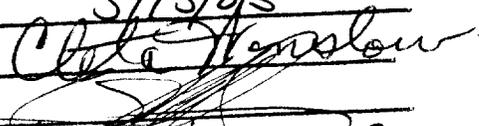
THIS ADVERSED REPORT IS APPROVED

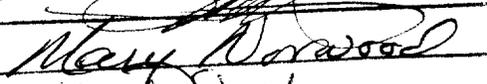
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

CONSENT  
**ADVERSE REPORT**

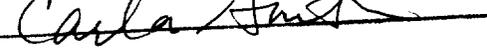
PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

CHAIR: 

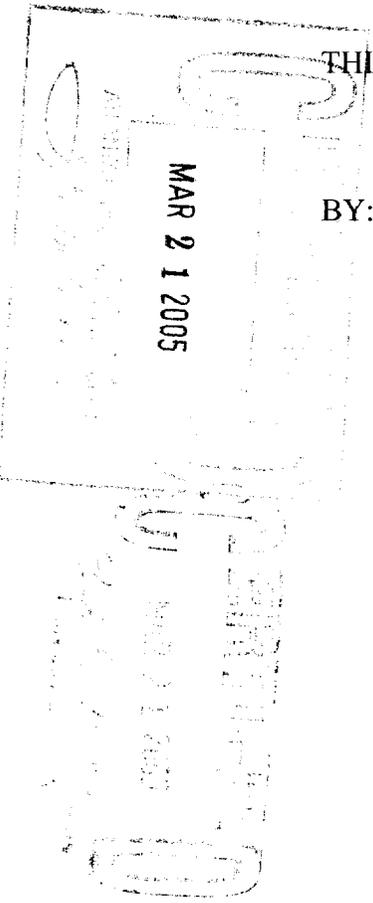






MAR 2 1 2005  




## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

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

March 25, 2005

Carol Pearson  
105 Rumson Road  
Apartment 16  
Atlanta, GA 30305

05-R-0448

Dear Ms. Pearson:

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 March 21, 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. 05L0076

Date: March 1, 2005

Claimant /Victim CAROL PEARSON

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

Address: 105 Rumson Road #16 Atlanta, Georgia 30305

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 58.84 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/25/05 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence 07/23/04 Place: Lindbergh Drive at Peachtree Hills Avenue

Department \_\_\_\_\_ Bureau: \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of striking an open construction cut at Lindbergh Drive and Peachtree Hills Avenue. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

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

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

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

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

BASIS OF RECOMMENDATION:

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

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

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

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

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

Respectfully submitted,

*Lisa Carter*

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

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

Claims Manager: [Signature] Concur/date 03/03/05

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

RCS# 6559  
3/21/05  
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT  
05-R-0499 04-O-2111  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I