

ADVERSED BY
CITY COUNCIL
MAR 2 1 2005

Entered - 06/04/04 - sb
CL - 04L0360 LISA CARTER

05-*R*-0451

CLAIM OF: LINDA C. HOLLOWAY
13811 Highway 78
Fruithurst, AL 36262

For damages alleged to have been sustained as a result of striking
a metal plate on October 19, 2004 at 2391 Perry Boulevard.

THIS ADVERSED REPORT IS APPROVED

ADVERSE REPORT
MAR 2 1 2005
CITY COUNCIL

BY: JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05
CHAIR: [Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

March 25, 2005

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

Linda C. Holloway
13811 Highway 78
Friotjirst, AL 36262

05-R-0451

Dear Ms. Holloway:

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. 04L0360

Date: March 1, 2005

Claimant /Victim LINDA C. HOLLOWAY

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

Address: 13811 Highway 78 Fruithurst, Alabama 36262

Subrogation: _____ Claim for Property damage \$ 241.16 Bodily Injury \$ _____

Date of Notice: 05/25/04 Method: Written, proper X Improper _____

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

Date of Occurrence 01/5/04 Place: 2391 Perry Boulevard

Department _____ Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of striking a metal plate at 2391 Perry Boulevard. However, an investigation determined that Kemi Construction was working at this location and is responsible for the damages. The claimant has been advised to pursue her claim with Kemi Construction.

INVESTIGATION:

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

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X 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 _____ Other X 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 - LISA CARTER

RECOMMENDATION:

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

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