

Entered - 03/17/04 - sb  
CL - 04L0187 LISA CARTER

05 - *l* - 0793

CLAIM OF: KIM ADAIR, through her attorney  
Bruce A. Hagen  
119 North McDonough Street  
Decatur, Georgia 30030

MAY 16 2005  
*[Handwritten signature]*

For damages alleged to have been sustained as a result of a slip and fall incident in an uncovered water meter on December 13, 2003 at 3073 Piedmont Road and West Paces Ferry Road.

THIS ADVERSED REPORT IS APPROVED

BY: *[Signature]*  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/10/09

CHAIR: *Clara Anderson*

*Carla Smith*

*[Signature]*

*Marie Wood*

*OC T. Hunt*

*Jayne M. Strepel*

*Hunt Smith*

ADVERSED BY  
CITY COUNCIL

MAY 10 2009



## 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

May 24, 2005

Bruce A. Hagen  
Attorney at Law  
119 North McDonough Street  
Decatur, GA 30030

05-R-0793

RE: Kim Adair

Dear Attorney Adair:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on May 16, 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.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0187

Date: April 26, 2005

Claimant /Victim KIM ADAIR  
BY: (Atty) (Ins. Co.) Bruce A. Hagen  
Address: 119 North McDonough Street Decatur, Georgia 30030  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ 100,000.00  
Date of Notice: 03/10/04 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 12/13/03 Place: 3073 Piedmont Road and West Paces Ferry Road  
Department Watershed Management Bureau: Drinking Water Division:             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that she sustained personal injuries as a result of a slip and fall incident in an uncovered water meter at 3073 Piedmont Road and West Paces Ferry Road. However, the city was not on notice of a problem at this location prior to the incident involving the claimant.

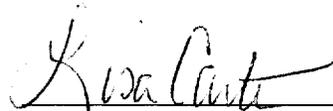
INVESTIGATION:

Statements: City employee X Claimant            Others            Written            Oral X  
Pictures X Diagrams            Reports: Police            Dept Report X Other X  
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

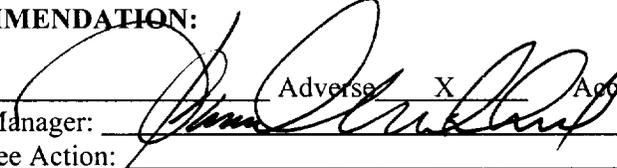
BASIS OF RECOMMENDATION:

Function: Governmental            Ministerial X  
Improper Notice            More than Six Months            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,

  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 04/27/05  
Committee Action:            Council Action

RCS# 6676  
5/16/05  
2:05 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-15

ADOPT

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

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

CONSENT I

		05-16-05 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-0655	31. 05-R-0839	50. 04-R-1789
2. 05-O-0656	32. 05-R-0677	51. 05-R-0793
3. 05-O-0657	33. 05-R-0832	52. 05-R-0795
4. 05-O-0658	34. 05-R-0833	53. 05-R-0799
5. 05-O-0659	35. 05-R-0836	54. 05-R-0800
6. 05-O-0762	36. 05-R-0837	55. 05-R-0801
7. 05-O-0778	37. 05-R-0878	56. 05-R-0802
8. 05-O-0781	38. 05-R-0818	57. 05-R-0805
9. 05-O-0871	39. 05-R-0820	58. 05-R-0806
10. 05-O-0874	40. 05-R-0826	59. 05-R-0807
11. 05-O-0669	41. 05-R-0835	60. 05-R-0810
12. 05-O-0684	42. 05-R-0785	61. 05-R-0812
13. 05-O-0685	43. 05-R-0786	62. 05-R-0814
14. 05-O-0850	44. 05-R-0787	
15. 05-O-0702	45. 05-R-0788	
16. 05-O-0703	46. 05-R-0789	
17. 05-O-0704	47. 05-R-0790	
18. 05-O-0845	48. 05-R-0791	
19. 05-R-0822	49. 05-R-0792	
20. 05-R-0823		
21. 05-R-0824		
22. 05-R-0827		
23. 05-R-0828		
24. 05-R-0834		
25. 05-R-0881		
26. 05-R-0821		
27. 05-R-0872		
28. 05-R-0830		
29. 05-R-0875		
30. 05-R-0838		