Entered - 02/02/05 - sb
CL - 05L0074 LISA CARTER

CLAIM OF: EL-MAHDI HOLLY
232 Windy Circle
McDonough, Georgia 30253

05-R-0949

JUN 06 2005

For damages alleged to have been sustained as a result of striking an open construction cut on December 13, 2004 at 1280 Peachtree Street.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

JUN 06 2005
MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/31/05
CHAIR: _____
_____
_____
_____
_____
_____
_____

ADVERSED BY
CITY COUNCIL
JUN

CITY OF ATLANTA
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

June 13, 2005

El-Mahdi Holly
232 Windy Circle
McDonough, GA 30253

05-R-0949

Dear Mr. Holly:

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 06, 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

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **05L0074** Date: May 17, 2005

Claimant /Victim **EL-MAHDI HOLLY**
BY: (Atty) (Ins. Co.) _____
Address: 232 Windy Circle McDonough, Georgia 30253
Subrogation: _____ Claim for Property damage $ 185.00 Bodily Injury $ _____
Date of Notice: 01/26/05 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/13/04 Place: 1280 Peachtree Street
Department _____ Bureau: _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking an open construction cut at 1280 Peachtree Street. However, an investigation determined that Atlanta Gas Light was working at this location and is responsible for the damages. The claimant has been advised to pursue his claim with Atlanta Gas Light.

INVESTIGATION:

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

Lisa Carter
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 05/19/2005
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 6714
6/06/05
2:56 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-18 EXCEPT:05-O-0893
05-R-1006 05-R-1001
ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

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

			06-06-05 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADOPTED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**	**ITEMS ADVERSED ON CONSENT**
1. 05-O-0891	31. 05-R-0963	49. 05-R-0794	80. 05-R-0947
2. 05-O-0890	32. 05-R-0964	50. 05-R-0796	81. 05-R-0948
3. 05-O-0894	33. 05-R-0966	51. 05-R-0797	82. 05-R-0949
4. 05-O-0668	34. 05-R-0967	52. 05-R-0798	83. 05-R-0950
5. 05-O-0667	35. 05-R-0918	53. 05-R-0802	84. 05-R-0951
6. 05-O-0899	36. 05-R-0919	54. 05-R-0803	85. 05-R-0952
7. 05-O-0816	37. 05-R-0920	55. 05-R-0804	86. 05-R-0953
8. 05-O-0817	38. 05-R-0921	56. 05-R-0808	87. 05-R-0958
9. 05-R-0983	39. 05-R-0922	57. 05-R-0809	
10. 05-R-0984	40. 05-R-0923	58. 05-R-0811	
11. 05-R-0985	41. 05-R-0924	59. 05-R-0813	
12. 05-R-0986	42. 05-R-0925	60. 05-R-0815	
13. 05-R-0987	43. 05-R-0926	61. 05-R-0928	
14. 05-R-0959	44. 05-R-0927	62. 05-R-0929	
15. 05-R-0994	45. 05-R-0954	63. 05-R-0930	
16. 05-R-0995	46. 05-R-0955	64. 05-R-0931	
17. 05-R-0996	47. 05-R-0956	65. 05-R-0932	
18. 05-R-0997	48. 05-R-0957	66. 05-R-0933	
19. 05-R-0998		67. 05-R-0934	
20. 05-R-0989		68. 05-R-0935	
21. 05-R-0974		69. 05-R-0936	
22. 05-R-0975		70. 05-R-0937	
23. 05-R-0973		71. 05-R-0938	
24. 05-R-0898		72. 05-R-0939	
25. 05-R-0977		73. 05-R-0940	
26. 05-R-0978		74. 05-R-0941	
27. 05-R-0979		75. 05-R-0942	
28. 05-R-0980		76. 05-R-0943	
29. 05-R-1000		77. 05-R-0944	
30. 05-R-0962		78. 05-R-0945	
		79. 05-R-0946	