

10- R -0189

Entered - 9/25/09 - sb  
CL- 09L0729 - Angelena Kelly

**Claim of: Marcela Cofield**  
**Through her attorney David Hodgins**  
**352 Sandy Springs Circle, Suite 300**  
**Atlanta, GA 30328**

For damages alleged to have been sustained as a result of an automobile accident on April 24, 2009 at Windsor Street and Bass Street.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

**JERRY L. DEKOACH**  
**DEPUTY CITY ATTORNEY**

**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 1/26/10

CHIEF [Signature]

[Signature]

FEB 01 2010

FEB 04 2010

ADVERSED BY  
CITY COUNCIL  
FEB 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

February 9, 2010

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

Mr. David Hodgins, Esquire  
352 Sandy Springs Circle  
Atlanta, Georgia 30328

10-R-0189

RE: Marcela Cofield

Dear Mr. Hodgins

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 February 1, 2010. 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. 09L0729

Date: December 23, 2009

Claimant /Victim: Marcela Cofield
BY: (Atty) (Ins. Co.) David B. Hodgins
Address: 352 Sandy Springs Circle, Suite 300, Atlanta, GA 30328
Subrogation: Claim for Property damage \$ 12,917.00 Bodily Injury \$
Date of Notice: 9/24/09 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 4/24/09 Place: Windsor Street at Bass Street
Department: Public Works Bureau: Office: Traffic and Transportation
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that she was involved in a vehicular accident due to a missing stop sign. Our investigation revealed that the city did not have notice of a missing stop sign at this location prior to the claimant's accident. The city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
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 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,

Handwritten signature of Angelena Kelly
INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 01/07/10
Committee Action: Council Action

LAW OFFICE  
DAVID B. HODGINS  
352 SANDY SPRINGS CIRCLE  
SUITE 300

TELEPHONE  
404.592.5770

ATLANTA, GA 30328  
dbhlaw@dbhodgins.com  
September 22, 2009

FACSIMILE  
404.592.6187

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

ENTERED - 9-25-09 - SB  
09L0729 - A. KELLY

Ms. Shirley Franklin  
Mayor, City of Atlanta  
Executive Offices  
55 Trinity Avenue  
Atlanta, Georgia 30303

Atlanta City Council  
55 Trinity Avenue, S.W.  
Suite 2900  
Atlanta, Georgia 30303

**RE: Marcela Cofield**  
**Date of Incident: April 24, 2009**  
**Location of Collision: Intersection of Bass Street and Windsor Street**  
**Name of City Agency: Traffic and Transportation Services**

Dear Mayor Franklin and City Council:

On behalf of Marcela Cofield the purpose of this letter is to put the City of Atlanta, the Atlanta City Council and Mayor Shirley Franklin, on notice of a claim by said individual pursuant to O.C.G.A. §36-11-1.

Ms. Cofield was injured on April 24, 2009, after the vehicle which she was driving broad-sided while she was driving west on Bass Street by another vehicle at the intersection of Bass Street and Windsor Street. Neither Bass, the street that Ms. Cofield was on, nor Windsor, had stop signs erected on the intersection.

Based upon information and belief, it is our contention that there was negligence involved on behalf of the City of Atlanta and its employees at the Department of Traffic and Transportation, under the principle of respondeat superior pertaining to the department's failure to install any stop signs for the intersection.

The damages to which Ms. Cofield is entitled include actual damages for out of pocket expenses incurred for past and future medical treatment, lost wages and general/compensatory damages for pain and suffering and mental anguish.

I thank you for forwarding this letter immediately to the City of Atlanta's legal department, and I look forward to hearing from them upon receipt of this letter.

kelly  
09/24/09  
R

10- R -0189

Mayor Shirley Franklin  
Atlanta City Council  
Page 2

Very Truly Yours,



David B. Hodgins  
Attorney at Law

RCS# 42  
2/01/10  
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
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9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
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17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
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21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
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32. 10-R-0178		
33. 10-R-0179		
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35. 10-R-0181		