

Entered - 12/28/09 - sb
CL 09L1042 - LISA CARTER

CLAIM OF: SYLVESTER JONES,
through his attorney,
Sheryl L. Burke
3340 Peachtree Road, NE
Suite 1940
Atlanta, Georgia 30326

10-R-0338

MAR 01 2010

For damages alleged to have been sustained as a result of an automobile accident on October 19, 2009 at 1967 Browns Mill Road, SE.

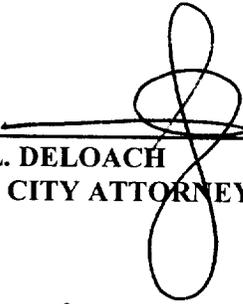
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **SYLVESTER JONES, through his attorney, Sheryl L. Burke** the sum of **\$7,900.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of an automobile accident on October 19, 2009 at 1967 Browns Mill Road, SE as is more particularly set forth in the within claim; said sum taken from and charged to account **1001.200101.5212005.1512000.**

RECEIVED
MAR 01 2010
Sheryl L. Burke
MUNICIPAL CLERK

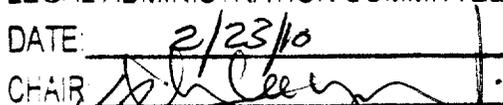
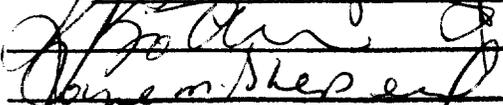
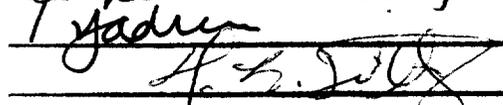
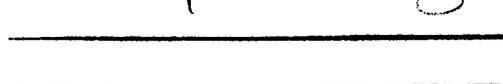
APPROVED: ROGER BHANDARI
ACTING CITY ATTORNEY

ADOPTED BY
MAR 01 2010
COUNCIL

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10
CHAIR: 








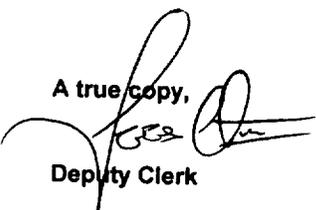
**MUNICIPAL CLERK
ATLANTA, GEORGIA**

10-R-0338

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Sylvester Jones** through his attorney **Sheryl L. Burke** the sum of \$ **\$7,900.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **an automobile accident on October 19, 2009 at 1967 Browns Mill Road, SE** as is more particularly set forth in the within claim; said sum taken from and charged to Account **1001/200101/5212005/1512000**.



A true copy,

Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed**

**MAR 01, 2010
MAR 09, 2010**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L1042

Date: January 27, 2010

Claimant /Victim SYLVESTER JONES

BY:(Atty)(Ins.Co.) Sheryl L. Burke

Address: 3340 Peachtree Road, NE Suite 1940 Atlanta, Georgia 30326

Subrogation: Claim for Property damage \$ 1,786.87 Bodily Injury \$ 21,936.87

Date of Notice: 12/21/09 Method: Written, proper X Improper

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

Date of Occurrence 10/19/09 Place: 1967 Browns Mill Road, SE

Department Public Works Bureau: Solid Waster Services Office:

Employee involved James Scott Disciplinary Action: Vehicle operation restriction

NATURE OF CLAIM: The driver of a city vehicle failed to yield the right-of-way when entering the roadway at 1967 Browns Mill Road, SE striking the claimant's vehicle causing damages in the above amount and causing him to be injured. The settlement for property damages is \$1,400.00 and for personal injury \$6,500.00.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X Diagrams Reports: Police X Dept Report X Other

Traffic citations issued: City Driver X Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial X

Improper Notice More than Six Months Other Damages reasonable

City not involved Offer rejected Compromise settlement X

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

Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

Lisa Carter

INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 7,900.00 Adverse Account charged: General Fund X Water & Sewer Aviation

Claims Manager: [Signature] Concur/date 02/10/10

Committee Action: Council Action

Law Offices of
SHERYL L. BURKE
Tower Place 100
3340 Peachtree Rd., N.E., Suite 1940
Atlanta, Georgia 30326

Telephone (404) 842-7838

ENTERED - 12-28-09 - SB
09L1042 - L. CARTER

Facsimile (404) 842-7837

CARTER
12/22/09
R

RECEIVED

DEC 21 2009

CITY OF ATLANTA
DEPT OF LAW

December 17, 2009

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mayor Shirley Franklin
City of Atlanta
55 Trinity Avenue
Atlanta, GA 30303

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Atlanta City Council
City of Atlanta
55 Trinity Avenue
Atlanta, GA 30303

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Department of Law
City of Atlanta
City Hall Tower
68 Mitchell Street S.W. Ste 4100
Atlanta, GA 30303

Re: **Ante Litem Notice of Claims for Sylvester Jones**

Our Client : Sylvester Jones
Date of Incident : 10/19/09

Dear Mayor Franklin, Atlanta City Council and City of Atlanta Department of Law:

This letter provides notice of the claim of City of Atlanta in the State of Georgia.

The Claimant is represented by counsel, whose name, address and telephone number is as follows:

Sheryl L. Burke, Esq.
Law Offices of Sheryl L. Burke
3340 Peachtree Road, N.E., Suite 1940
Atlanta, Georgia 30326
Tel: (404) 842-7838 Fax: (404) 842-7837

Mayor Shirley Franklin
Atlanta City Council
City of Atlanta Department of Law
December 17, 2009
RE: Ante Litem Notice of Claims of Sylvester Jones

1. NAME OF GOVERNMENT ENTITY

The name of the city government entity whose acts or omissions are asserted as the basis of these claims is the City of Atlanta

2. DATE AND TIME OF OCCURRENCE

The time of the occurrence was Monday, October 19, 2009 at approximately 3:30 p.m.

3. PLACE OF OCCURRENCE

Browns Mill Road S.E. in Atlanta, Fulton County, Georgia.

4. NATURE OF LOSS

Sylvester Jones suffered bodily injuries to his head, neck and back. Additionally, Mr. Jones has experienced headaches, dizziness, irritability and fatigue. Sylvester Jones was treated by Atlanta Chiropractic Injury Center and these medical records and medical bills are attached hereto as Exhibit A.

Sylvester Jones is the registered owner of a 1990 Nissan Pick Up Truck which sustained extensive damage to the rear bumper, tailgate, left taillight and left rear body panel and a repair estimate is attached hereto as Exhibit B.

5. AMOUNT OF LOSS

Mr. Jones' known medical expenses to date are \$3,000.00. Sylvester Jones is not claiming lost income. Sylvester Jones's bodily injury, pain and suffering and damages for discomfort, disrupted peace of mind, unhappiness, annoyance and attorney's fees and expenses may exceed \$20,000.00.

Mr. Jones' known property damage to date is estimated at \$1,786.87. Mr. Jones' will also incur rental or loss of use expenses for a minimum of five (5) days which is estimated at \$150.00.

Mr. Jones' total claim for bodily injury, pain and suffering, property damage, attorney's fees and expenses is \$21,936.87.

Mayor Shirley Franklin
Atlanta City Council
City of Atlanta Department of Law
December 17, 2009
RE: Ante Litem Notice of Claims of Sylvester Jones

10- R -0338

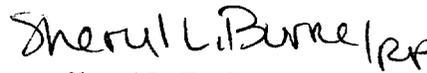
6. ACTS OR OMISSIONS

The City of Atlanta and its employee, James C. Scott, engaged in reckless conduct by conducting a dangerous and grossly negligent act when James C. Scott failed to ensure he could safely change lanes which caused a motor vehicle collision resulting in severe injuries and property damage.

Sylvester Jones was the operator of a 1990 Nissan Pick Up, traveling southbound on Brown Mill Road S.E. in Atlanta, Fulton County, Georgia. While driving a vehicle owned by the City of Atlanta, James C. Scott, suddenly and without warning entered Mr. Jones' established lane of travel and struck Mr. Jones' vehicle, causing a violent collision. The police report is attached hereto as Exhibit C.

With kindest regards, I am

Sincerely,



Sheryl L. Burke

SLB/sml

Enclosures – Exhibit List Incorporated By Reference

cc: Mr. Sylvester Jones

RCS# 99
3/01/10
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 2
ABSENT 0

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	03-01-10 ITEMS ADVERSED ON CONSENT
1. 10-O-0275 2. 10-O-0276 3. 10-O-0277 4. 10-O-0278 5. 10-O-0279 6. 10-O-0289 7. 10-O-0290 8. 10-O-0291 9. 10-O-0292 10. 10-O-0293 11. 10-O-0294 12. 10-O-0296 13. 10-O-0241 14. 10-O-0307 15. 10-R-0334 16. 10-R-0335 17. 10-R-0390 19. 10-R-0395 20. 10-R-0407 21. 10-R-0411 22. 10-R-0394 23. 10-R-0396 24. 10-R-0338 25. 10-R-0339 26. 10-R-0340 27. 10-R-0341 28. 10-R-0342 29. 10-R-0343 30. 10-R-0344 31. 10-R-0345 32. 10-R-0346 33. 10-R-0347 34. 10-R-0348 35. 10-R-0349	36. 10-R-0350 37. 10-R-0351 38. 10-R-0352 39. 10-R-0353 40. 10-R-0354 41. 10-R-0355	42. 10-R-0356 43. 10-R-0357 44. 10-R-0358 45. 10-R-0359 46. 10-R-0360 47. 10-R-0361 48. 10-R-0362 49. 10-R-0363 50. 10-R-0364 51. 10-R-0365 52. 10-R-0366 53. 10-R-0367 54. 10-R-0368 55. 10-R-0369 56. 10-R-0370 57. 10-R-0371 58. 10-R-0372 59. 10-R-0373 60. 10-R-0374 61. 10-R-0375 62. 10-R-0376 63. 10-R-0377 64. 10-R-0378 65. 10-R-0379 66. 10-R-0380 67. 10-R-0381 68. 10-R-0382 69. 10-R-0383 70. 10-R-0384 71. 10-R-0385