

Entered - 11/24/09 - sb
CL- 09L0917 - Angelena Kelly

10- R -0374

Claim of: Emma Jean Raglin
1211 Tuckawanna Drive
Atlanta, GA 30311

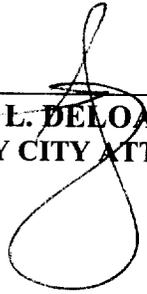
For damages alleged to have been sustained as a result of a
sewer back-up on August 24, 2009 at 1211 Tuckawanna
Drive.

MAR 01 2010

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE 2/23/10

CHAIR [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

RECEIVED
MAR 01 2010
CITY OF ATLANTA

ADVERSED BY
CITY ATTORNEY
MAR 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

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

March 10, 2010

Ms. Emma Jean Raglin
1211 Tuckawanna Drive
Atlanta Georgia 30311

10-R-0374

Dear Ms. Raglin

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 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.**

Sincerely,

A handwritten signature in cursive script that reads "Rhonda Dauphin Johnson".

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0917

Date: January 29, 2010

Claimant /Victim: Emma Jean Raglin
BY:(Atty)(Ins. Co.)
Address: 1211 Tuckawanna Drive, Atlanta, GA 30311
Subrogation: Claim for Property damage \$ 1,950.99 Bodily Injury \$
Date of Notice: 11/10/09 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 8/24/09 Place: 1211 Tuckawanna Drive
Department: Watershed Management Bureau: Wastewater Treatment and Collections Office:
Employee involved: Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her property was damaged due to a sewer back-up. The investigation determined that the City had no notice of any problems with the sewer line prior to this occurrence.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
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 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,

Angelena Kelly
INVESTIGATOR - ANGELENA KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: Concur/date 02/10/10
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 NOV 10 11:02 AM

RE: CLAIM FOR DAMAGES

Today's Date: 11/4/09

Kelly
11/18/09

Dear Municipal Clerk:

ENTERED - 11-24-09 - SB
09L0917 - A. KELLY

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1,950.99 property and/or \$ 1,450.99 bodily injury for which I contend the City is liable.

- 1. Date of incident: 8/24/09 2. Time of incident: Morning 3. Police called: N/A
- 4. Location of incident (including street address): 1211 Tuckawanna Dr, SW
- 5. Name of your insurance company: N/A Policy No. N/A
- 6. State what and how incident occurred: City sewer backed up causing raw sewage to come back on my basement floor causing damages. Mr. Ronald Stevens, city Inspector 404-954-6340, told me to file a claim for damages.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Emma Jean Raglin
Signature of Claimant

Emma Jean Raglin
(Print Claimant's Name)

1211 Tuckawanna Dr, SW
(Address)

Atlanta, GA 30311
(City, State and Zip Code)

N/A 404-6990903
(Work Number) (Home Number)

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