

Entered - 11-17-09 sb
CL 09L0878 GWENDOLYN BURNS

CLAIM OF: STATE FARM INSURANCE
COMPANIES AS SUBROGEE OF
TODD D. STEPHEN
P.O. Box 2371
Bloomington, IL 61702-2371

10-R-0376

For property damages alleged to have been sustained when
a tree limb fell and struck a parked vehicle on October 16,
2009 at 665 Pylant Street.

THIS ADVERSED REPORT IS APPROVED

BY: JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

MAR 01 2010

MAR 01 2010

MAR 01 2010

APPROVED BY
CITY



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

March 10, 2010

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

State Farm Insurance Companies
P.O. Box 2371
Bloomington, IL 61702-2371

10-R-0376

RE: subrogee of Todd Stephens

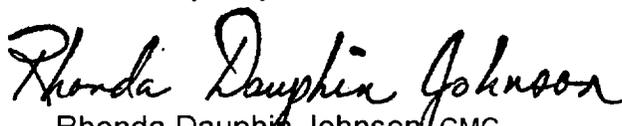
Dear Sir/Madam

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 15, 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. 09L0878

Date: December 15, 2009

Claimant /Victim TODD D. STEPHEN
BY: (Atty) (Ins. Co.), STATE FARM INSURANCE COMPANIES
Address: P.O. Box 2371, Bloomington, IL 61702-2371
Subrogation: X Claim for Property damage \$ 3,442.12 Bodily Injury \$ unspecified
Date of Notice: 11/2/09 Method: Written, Proper, X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/16/09 Place: 665 Pylant Street
Department PARKS, RECREATION & CULTURAL AFFAIRS Bureau: Parks Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damages when his parked automobile was struck by a tree limb that had fallen from a tree at the above location. However, a check of City records does not show that the City was on notice of a problem with the tree prior to this incident.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures 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 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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

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

**State Farm Mutual Automobile
Insurance Company**

Home Office, Bloomington, Illinois 61710



October 20, 2009

City of Atlanta Municipal Clerk
55 Trinity Ave SW
Atlanta GA 30303-3520

DULUTH
PO BOX 10003
DULUTH GA 30096-9403
800 578 8001 Fax 888 870 0317

ENTERED - 11-17-09 - SB
09L0878 - G. BURNS

RE: Our Claim Number 11-7212-885
Our Insured Todd Stephen
Date of Loss October 16, 2009

Dear City of Atlanta:

Our investigation establishes that a tree located at 665 Pylant Street, Atlanta GA 30306 caused damages to our insured 2004 Volkswagen Touareg. In addition, we have photographs of the tree in question which appear to be a dead tree.

Please accept this letter as a notice of our subrogation rights and communicate with us in regard to your position in the matter. In order to assist in evaluating and processing the subrogation claim, we are asserting, we may provide non public personal information about our customer. We are sharing this information to effect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provide for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Sincerely,

A handwritten signature in cursive script that reads "Marie Borders".

Marie Borders ext 5936408
Claim Representative

State Farm Mutual Automobile Insurance Company

RECEIVED
OFFICE OF
MUNICIPAL CLERK
2009 NOV -2 AM 11:20 *EL*

BURNS
11/13/09

10- R -0376

		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		