

Entered - 1-14-10 sb  
CL 10L0016- GWENDOLYN BURNS

10-R -0377

CLAIM OF: DAVID T. THOMPSON  
P.O. Box 1604  
Stockbridge, Georgia 30281

For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on September 18, 2009 at 1215 Piedmont Avenue, NE.

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

CHAR John Leonard

H. W. Sibley

James M. Sheperd

Yadrey

H. W. Sibley

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\_\_\_\_\_

RECEIVED  
MAR 01 2010  
CITY OF STOCKBRIDGE

APPROVED BY  
CITY COUNCIL  
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

Mr. Davis Thompson  
P.O. Box 1604  
Stockbridge Georgia 30281

**10-R-0377**

Dear Mr. Thompson

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,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 10L0016

Date: January 27, 2010

Claimant /Victim DAVID T. THOMPSON

BY: (Atty) (Ins. Co.)

Address: P.O. Box 1604, Stockbridge, Georgia 30281

Subrogation: Claim for Property Damage \$ 209.84 Bodily Injury \$

Date of Notice: 12/30/09 Method: Written, Proper X Improper

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

Date of Occurrence 9/18/09 Place: 1215 Piedmont Avenue, NE

Department Bureau: Office:

Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damages after driving over a construction site that was left in an unsafe manner in the roadway. However, an investigation has determined that Atlanta Gas Light performed the work at the subject location. The claimant has been advised and the claim has been forwarded to the company for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures X 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 X 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: Concur/date 02/10/10

Committee Action: Council Action

RECEIVED  
OFFICE OF  
MUNICIPAL CLERK  
2009 DEC 30 AM 8:20

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

RE: CLAIM FOR DAMAGES

Today's Date: 12-20-09

BURNS  
01/13/10  
*[Signature]*

Dear Municipal Clerk:

ENTERED -1-14-10 - SB  
1010016 - G. BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 209.84 property and/or \$ 0 bodily injury for which I contend the City is liable.

- 1. Date of incident: 9-18-09 2. Time of incident: 9:30 am 3. Police called: no
- 4. Location of incident (including street address): 1215 Piedmont Avenue, Atlanta
- 5. Name of your insurance company: State Farm Insurance Policy No. P340663-A06-11J
- 6. State what and how incident occurred: Please see attached explanation

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: Hyundai Tiburon 2005 AEB8177 David Thompson  
(Make) (Year) (Tag Number) (Driver's Name)

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

9. Witness: Matt Vandyke - cell number = 770-634-6822

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.

David Thompson  
Signature of Claimant

David T. Thompson  
(Print Claimant's Name)

P.O. Box 1604  
(Address)

Stockbridge GA 30281  
(City, State and Zip Code)

404-316-2753 404-357-8028  
(Work Number) (Home Number)

10- R -0377

**6. State what and how incident occurred:**

At approximately 7:30 a.m. on Friday, September 18, 2009 I was driving down Piedmont Avenue and drove over a large uncovered pothole located in the middle of the road. The incident occurred in front of the Piedmont Driving Club (1215 Piedmont Avenue, N.E., Atlanta, Georgia 30309). Matt Vandyke, a security guard on duty at the Piedmont Driving Club, witnessed the incident. The wet conditions of the road and the surrounding traffic prevented me from driving around the hole. In addition to the extensive front end damage the car sustained, the right front tire had to be changed before being able to return the vehicle to my home. I was able to borrow a vehicle so that I would have reliable transportation. Upon returning to the scene of the incident a work crew was already making repairs to the road. The attached photograph is of the crew making repairs to the hole. Please find attached the receipts for the repairs that were made to the car and which I am requesting to be reimbursed.

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