

Entered - 10-21-08 sb
CL 08L0912 GWENDOLYN BURNS

10- R -0444

CLAIM OF: **JENNIFER L. PERRITTE**
1027 Natalle Lane
Smyrna, Georgia 30082

For vehicular damages alleged to have been sustained from
an automobile accident on May 26, 2008 on Interstate 285
& Donald Lee Hollowell Parkway, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

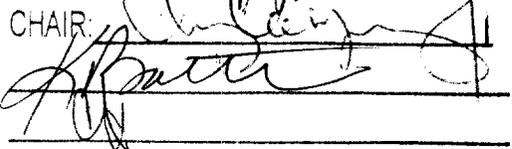
MAR 15 2010

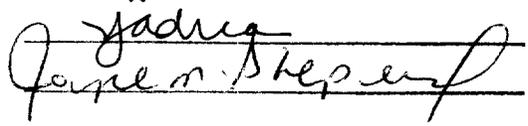
RECEIVED
MAR 15 2010
CITY CLERK

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: 



MAR 15 2010

ADVERSED BY
CITY COUNCIL



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 19, 2010

Ms. Jennifer L. Perritte
1027 Natalle Lane
Smyrna, Georgia 30082

10-R-0444

Dear Ms. Perritte

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 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**

Sincerely,
Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L0912

Date: February 18, 2010

Claimant /Victim JENNIFER L. PERRITTE
BY: (Atty) (Ins. Co.)
Address: 1027 Natalle Lane, Smyrna, Georgia 30082
Subrogation: Claim for Property damage \$ 681.53 Bodily Injury \$
Date of Notice: 10/21/08 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 5/26/08 Place: Interstate 285 and Donald Lee Hollowell Parkway
Department FIRE Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained damages when at the advice of a fireman, she backed her vehicle into the vehicle behind her. However, the Department of Fire operates as a governmental function and is immune from liability for all operations pursuant to O.C.G.A. §36-33-1.

INVESTIGATION

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report 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 X 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 02/23/10
Committee Action: Council Action

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

RE: CLAIM FOR DAMAGES

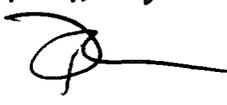
Today's Date: 9/19/08

BURNS
10/21/08

Dear Municipal Clerk:

ENTERED - 10-21-08 - SB
08L0912 - G. BURNS

app

This is to notify the City of Atlanta that I have suffered damages in the amount of \$681.53 property and/or \$ 0 bodily injury for which I contend the City is liable. (per estimate) 

1. Date of incident: 5/26/08 2. Time of incident: 3:30 p.m. Police called: N/A
4. Location of incident (including street address): I-285 Southbound, before exit 12
5. Name of your insurance company: Geico Policy No. 4018-72-49-65 Hollowell Pkwy
6. State what and how incident occurred: Please see attached.

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: 2006 Honda Civic APW 7474 Jennifer L. Perritte
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: (See description attached - city at fault for causing damage)
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Fireman, young (passenger of fire truck - helped with traffic)
* Chief Lewis is aware of incident and investigating

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.

Signature of Claimant

Jennifer L. Perritte
(Print Claimant's Name)

1027 Natalie Lane
(Address)

Smyrna, GA 30082
(City, State and Zip Code)

404-420-6742 677-510-7591
(Work Number) (Home Number)

Jennifer Perritte

Date of Incident: May 26, 2008 approximately 3:30 p.m.

As I was driving to the airport to pick up my sister on I-285, Southbound traffic came to a stop. As ambulances and fire trucks started arriving from behind the traffic I realized that there must be an accident ahead. I was in the far left lane, but all traffic had stopped and most cars had parked and turned off their engines. After a fire truck had driven by on the right shoulder, another fire truck approached on the left shoulder, with lights and sirens on. I was in front of a semi-truck and behind another car. As the fire truck got closer to where I was parked, people started moving their cars closer to the right to allow the truck to pass on the left shoulder, as the shoulder is small and there is a concrete barrier on the far left. Likewise, I moved closer to the lane to the right of me, as did the cars in that lane. The semi-truck behind me, however, did not move to the right at all. The fire truck was unable to pass the semi-truck and eventually two firemen exited the fire truck and had to walk through traffic to actually direct grid-locked traffic to allow the fire truck to pass by this semi-truck. Eventually, the fireman came to my car and asked me to try to move around the car in front of me to pull around traffic to allow the semi-truck to move into my spot as I had already pulled as far forward and right as possible. As, again, we were stopped in traffic he said he would direct me. So he had me slowly pull forward as he stood up by my fender and the car in front of me and then told me when to stop moving forward. And then he walked to the rear of my car, by the semi-truck, and told me to back up. I did, slowly, and as he kept motioning me to reverse, I suddenly jerked and in shock realized that I had just hit the semi-truck behind me! The fireman quickly apologized for not telling me to stop. Then he told me to pull forward again and I was able to move around the car in front of me, and further forward into traffic so that the semi-truck could actually move out of the way. After I pulled forward, I was still shocked that I had just bumped into the semi-truck behind me while the fireman was standing right next to my car and the fender of the semi-truck! The fireman was very nice and I am sure did not intend for it to happen. After I pulled my car forward, he actually came back up to my car and thanked me for moving and also commented on the fact that the driver of the semi-truck was not being very helpful or nice. I agreed. Then as the fire truck was able to pass on the left shoulder to where the accident was about a half-mile ahead, he waved out the window. Still in shock, after the fire truck was able to pass and proceed to the true emergency situation, I put my car in park and got out of my car to look at my bumper. The "collision" with fender of the semi-truck actually punctured my bumper! I am sure that the fireman felt bad about this, hence the several apologies I received, and I understand that there was a rollover accident ahead to attend to. In my efforts to move my car forward so that the semi-truck could pull forward to allow the fire truck to pass I did not get out of my car to look at the damage while the firefighter was still present trying to get by. I knew the car accident ahead was more important. However, I was surprised to see permanent damage to my car! And though I know it was not malicious, I now have a damaged car bumper due to the fire department's traffic control on 285.

10- R -0444

All of this took place on I-285, Southbound, before exit 12, Hollowell Parkway, on Monday, May 26, 2008 around 3:30 p.m.

Thank you so much for your time and attention in this matter,

Jennifer Perritte
Cell: 617-510-7591
1027 Natalie Lane
Smyrna, GA 30082

RCS# 124
3/15/10
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

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

CONSENT I