

13-R-3043

Entered - 5/24/12- sb  
CL- 12L0366 -AFR/03 - Angelena Kelly

Claim of: **Nationwide Insurance Company**  
As subrogee of Doris Fuller  
P. O. Box 30000  
Raleigh, NC 27622

For property damage allegedly sustained as a result of a vehicular accident on March 6, 2012 at Martin Luther King Jr Drive at Paschal Boulevard.

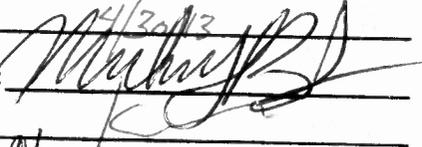
THIS ADVERSED REPORT IS APPROVED

BY:   
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

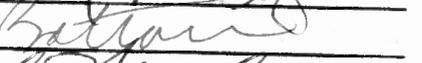
PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 5/20/13

CHAIR: 













ADVERSED BY  
CITY COUNCIL  
MAY 06 2013



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SUITE 2700  
ATLANTA, GEORGIA 30303  
Main (404) 330-6033  
Fax (404) 658-6103  
Email [municipalclerk@atlantaga.gov](mailto:municipalclerk@atlantaga.gov)

May 13, 2013

Doris Fuller  
c/o Nationwide Insurance Company  
P.O. Box 30000  
Raleigh, North Carolina 27622

**13-R-3043**

Dear Ms. Fuller:

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 May 3, 2013.

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. 12L0366

Date: March 25, 2013

Claimant /Victim: Doris Fuller
BY: (Atty) (Ins. Co.) Nationwide Insurance Company
Address: P.O. Box 30000, Raleigh, NC 27622
Subrogation: X Claim for Property damage \$ 5,787.59 Bodily Injury \$
Date of Notice: 5/15/12 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 3/6/12 Place: Martin Luther King Jr. Drive at Paschal Boulevard
Department: Fire Bureau: Office:
Employee involved: Turner, Randall Disciplinary Action: Pending

NATURE OF CLAIM: The claimant alleges property damage sustained when the driver of a city vehicle struck her vehicle. The claimant has filed a lawsuit to settle the allegations of her claim.

INVESTIGATION:

Statements: City employee Claimant Others Written X Oral
Pictures Diagrams X Reports: Police X Dept Report 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,

[Handwritten signature of A. Kelly]

INVESTIGATOR - A. KELLY

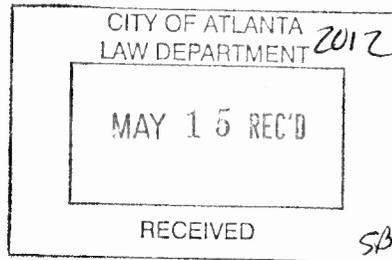
RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 2/3/13
Deputy City Attorney: Concur/date
Committee Action: Council Action



Nationwide Insurance  
 Allied Insurance  
 Nationwide Agribusiness  
 Titan Insurance  
 Victoria Insurance

On Your Side\*



PO Box 30000 \* Raleigh, NC 27622 \*\*

April 11, 2012

Atlanta Fire Safety  
 Attn: Christopher Wessel  
 226 Peachtree SW  
 Atlanta, GA 30303

ENTERED - 5-24-12 - SB  
 12L0366 - A. KELLY

*Kelly*  
*5/18/12*  
*JB*

**OUR INSURED :** Doris J Fuller  
**OUR CLAIM NUMBER :** 77 10 C 285304 03062012 01  
**DATE OF LOSS :** 03-06-2012  
**YOUR INSURED :** City of Atlanta / driver Randal Turner  
**YOUR INSURED'S ADDRESS :** 23 Clair Drive  
 Atlanta, GA 30315

**YOUR POLICY/CLAIM NUMBER :**  
**COMPANY LOSS :** \$4318.62 coll + \$80 towing + \$689 DV + \$449.97 rental = \$5537.59  
**LESS (SALVAGE) :** \$  
**DEDUCTIBLE :** \$250  
**TOTAL AMOUNT DUE :** \$5787.59  
**INSURED'S OUT OF POCKET RENTAL :** \$

Dear Atlanta Fire Safety :

The supporting papers and a request for payment of our subrogation claim are enclosed. We consider the total amount due listed above to be payment in full, but will promptly notify you if we incur any additional costs.

Please forward your check to: Claim Number: 77 10 C 285304 03062012 01  
 Nationwide Insurance Co.  
 1100 Locust St  
 Dept 2019  
 Des Moines, IA 50391-2019

Please deal directly with our Insured regarding any out of pocket rental claim. Payment should not be made to Nationwide on the out of pocket claim and should be made directly to our Insured.

Please contact me if you have any questions or concerns. We appreciate your cooperation and prompt response in this matter. Thank you.

Sincerely,

Brian Tuck  
 Claims Department  
 Nationwide Affinity Insurance Company  
 (919)881-3418

RCS# 2666  
5/06/13  
3:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
EXCEPT 13-O-0638  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

+

		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0599	40. 13-R-3103	77. 13-R-3043
2. 13-O-0629	41. 13-R-3104	78. 13-R-3044
3. 13-O-0643	42. 13-R-3085	79. 13-R-3045
4. 13-O-0119	43. 13-R-3086	80. 13-R-3046
5. 13-O-0632	44. 13-R-3087	81. 13-R-3047
6. 13-O-0639	45. 13-R-3088	82. 13-R-3048
7. 13-O-0638	46. 13-R-3089	83. 13-R-3049
8. 13-O-0640	47. 13-R-3090	84. 13-R-3050
9. 13-O-0648	48. 13-R-3014	85. 13-R-3051
10. 13-O-0592	49. 13-R-3015	86. 13-R-3052
11. 13-O-0628	50. 13-R-3016	87. 13-R-3053
12. 13-O-0630	51. 13-R-3017	88. 13-R-3054
13. 13-R-3091	52. 13-R-3018	89. 13-R-3055
14. 13-R-3092	53. 13-R-3019	90. 13-R-3056
15. 13-R-3094	54. 13-R-3020	91. 13-R-3057
16. 13-R-3095	55. 13-R-3021	92. 13-R-3058
17. 13-R-3096	56. 13-R-3022	93. 13-R-3059
18. 13-R-3097	57. 13-R-3023	94. 13-R-3060
19. 13-R-3093	58. 13-R-3024	95. 13-R-3061
20. 13-R-3098	59. 13-R-3025	96. 13-R-3062
21. 13-R-3100	60. 13-R-3026	97. 13-R-3063
22. 13-R-3101	61. 13-R-3027	98. 13-R-3064
23. 13-R-3106	62. 13-R-3028	99. 13-R-3065
24. 13-R-3003	63. 13-R-3029	100. 13-R-3066
25. 13-R-3004	64. 13-R-3030	101. 13-R-3067
26. 13-R-3005	65. 13-R-3031	102. 13-R-3068
27. 13-R-3006	66. 13-R-3032	103. 13-R-3069
28. 13-R-3007	67. 13-R-3033	104. 13-R-3070
29. 13-R-3008	<b>ITEMS ADVERSED ON CONSENT</b>	105. 13-R-3071
30. 13-R-3009	68. 13-R-3034	106. 13-R-3072
31. 13-R-3010	69. 13-R-3035	107. 13-R-3073
32. 13-R-3011	70. 13-R-3036	108. 13-R-3074
33. 13-R-3013	71. 13-R-3037	109. 13-R-3075
34. 13-R-3000	72. 13-R-3038	110. 13-R-3076
35. 13-R-3001	73. 13-R-3039	111. 13-R-3077
36. 13-R-3002	74. 13-R-3040	112. 13-R-3078
37. 13-R-3083	75. 13-R-3041	113. 13-R-3079
38. 13-R-3084	76. 13-R-3042	114. 13-R-3080
39. 13-R-3102		115. 13-R-3081
		116. 13-R-3082