

Entered - 9/19/11 -sb  
CL- 11L0707 - DWM/02 - Angelena Kelly

Claim of: The Hartford  
As subrogee of Bark Bark, LLC  
P.O. Box 14473  
Lexington, KY 40512-4473

For bodily injury allegedly sustained as a result of a walking into an uncovered water meter box on August 12, 2011 at Linden Avenue at Peachtree Street.

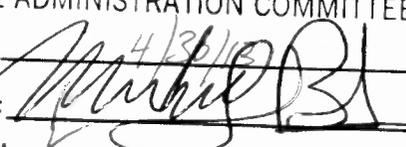
THIS ADVERSED REPORT IS APPROVED

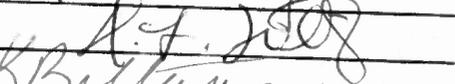
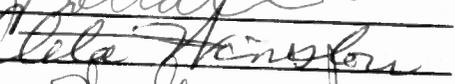
BY:   
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/30/13

CHAIR: 






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

Bark Bark, LLC  
c/o The Hartford  
P. O. Box 14473  
Lexington, Kentucky 40512

**13-R-3048**

Dear Bark Bark, LLC:

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. 11L0707

Date: March 19, 2013

Claimant /Victim: Bark Bark, LLC

BY:(Atty)(Ins. Co.) The Hartford

Address: Attn: Brandy Marsh, P.O. Box 14473, Lexington, KY 40512-4473

Subrogation: X Claim for Property damage \$ \_\_\_\_\_ Bodily Injury \$ \_\_\_\_\_

Date of Notice: 9/15/11 Method: Written, proper X Improper \_\_\_\_\_

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

Date of Occurrence: 8/12/11 Place: Linden Avenue at Peachtree Street

Department: Watershed Management Bureau: Drinking Water Office: \_\_\_\_\_

Employee involved: \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges bodily injury sustained when she stepped into an uncovered water meter box. The claimant has failed to provide information to substantiate the damages.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ 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 X

Respectfully submitted,

  
INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: General Fund \_\_\_\_\_ Water & Sewer \_\_\_\_\_ Aviation \_\_\_\_\_

Claims Director/Manager: cable Concur/date 4/1/13

Deputy City Attorney: \_\_\_\_\_ Concur/date \_\_\_\_\_

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



ENTERED - 9-19-11 - SB  
11L0707 - A. KELLY

Kelly  
9/15/11  
jms

September 1, 2011

City Of Atlanta  
55 Trinity Avenue  
Atlanta, GA 30303

RE:      Employer:              Bark Bark Llc  
         Employee:             Danielle R. Kleinman  
         Claim No:                YZE64645C  
         Date of Loss:             8/12/2011

Dear City Of Atlanta,

The Hartford is providing Workers' Compensation benefits to Danielle R. Kleinman for injuries sustained on 8/12/2011. We are placing you on notice of our right to subrogate and recover from you any monies paid out in benefits to Danielle R. Kleinman as a result of this accident. These payments are continuing.

Our investigation has revealed that Danielle R. Kleinman was injured on 8/12/11 after falling into a manhole.

Please ask your insurance carrier to contact me as soon as possible to discuss this matter.

Return the enclosed form with the name, address, and policy number of your insurance carrier. Contact me immediately if you do not have liability insurance.

I hope to hear from you or your claim representative within 30 days from the date of this letter.

Sincerely,

Brandy Marsh  
Claims Professional  
P O Box 14473  
Lexington, KY 40512-4473  
Direct Dial:  
Toll Free:            (877) 673-9222  
Facsimile:           (888) 459-1618

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