

Entered - 6/21/12 - sb
CL - 12L0409 - DWM/03- ANGELENA KELLY

CLAIM OF: Wendy Brown
554 Joseph E. Lowery Boulevard
Atlanta, GA 30314

For bodily injury allegedly sustained as a result of walking into an uncovered fire hydrant line on May 9, 2012 at Beckwith Street at Joseph E. Lowery Boulevard.

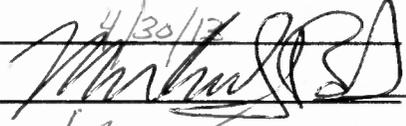
THIS ADVERSED REPORT IS APPROVED

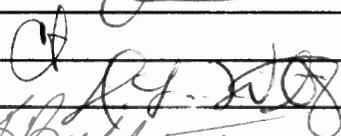
BY: 

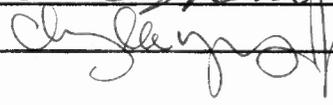
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/30/12
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

May 13, 2013

Wendy Brown
554 Joseph E. Lowery Boulevard
Atlanta, Georgia 30314

13-R-3055

Dear Ms. Brown:

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. 12L0409

Date: March 20, 2013

Claimant /Victim: Wendy Brown

BY:(Atty)(Ins. Co.)

Address: 554 Joseph E. Lowery Boulevard, Atlanta, GA 30314

Subrogation: Claim for Property damage \$ Bodily Injury \$ 500,000.00

Date of Notice: 6/11/12 Method: Written, proper X Improper

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

Date of Occurrence: 5/9/12 Place: Beckwith Street at Joseph E. Lowery Boulevard

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 fire hydrant outlet. The investigation determined that the City had no notice of any problems with the fire hydrant prior to the claimant's incident.

INVESTIGATION:

Statements: City employee Claimant X Others Written X Oral

Pictures X Diagrams Reports: Police Dept Report X 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 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 4/1/13

Deputy City Attorney: Concur/date

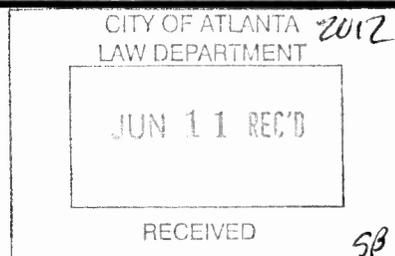
Committee Action: Council Action

Butler, Sherry

Kelly

From: Wendy L. Brown [llaphante@msn.com]
Sent: Monday, June 11, 2012 1:22 PM
To: Butler, Sherry
Attachments: NormalEmail.dotm
Importance: High

ENTERED - 6-21-12 - SB
12L0409 - A. KELLY



6/11/12
SB

The following would be if you filled in the spaces on your claim form. I will fax you the original as well.

06/11/12

0.00

500.000

05-09-2012 11:30P NO

Crn J.E. Lowery & Beckwith St, SW 30314

I was walking down J.E. Lowery, and crossed over to Beckwith St. The time was 11:30 PM and the air was clear, no rain. I stepped onto the curve on Beckwith and my left foot fell into a concealed hole. The hole had grass growing out of it. I wasn't sure what type of hole it was. I immediately thought it was a water meter hole. I realized after the inspector had come that it was not a meter ~

Wendy L. Brown

554 Joseph E. Lowery BLVD, NW

Atlanta, GA 30314

404-384-8164

AK

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	ITEMS ADVERSED ON	105. 13-R-3071
30. 13-R-3009	CONSENT	106. 13-R-3072
31. 13-R-3010	68. 13-R-3034	107. 13-R-3073
32. 13-R-3011	69. 13-R-3035	108. 13-R-3074
33. 13-R-3013	70. 13-R-3036	109. 13-R-3075
34. 13-R-3000	71. 13-R-3037	110. 13-R-3076
35. 13-R-3001	72. 13-R-3038	111. 13-R-3077
36. 13-R-3002	73. 13-R-3039	112. 13-R-3078
37. 13-R-3083	74. 13-R-3040	113. 13-R-3079
38. 13-R-3084	75. 13-R-3041	114. 13-R-3080
39. 13-R-3102	76. 13-R-3042	115. 13-R-3081
		116. 13-R-3082