

Entered - 12-27-11- SB  
CL 11L1005- DPW/03 - JANINE J. EDMONDS

CLAIM OF: **Kimberlyn Shaw-Mallory through her attorney Kevin C. Ford, Attorney at Law**  
P.O. Box 550229  
Atlanta, Georgia 30355

For bodily injury alleged to have been sustained from a motor vehicle accident on December 5, 2011 at Interstate 20 West and Joseph E. Lowery.

THIS ADVERSED REPORT IS APPROVED

BY:   
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY

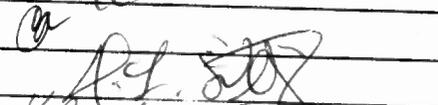


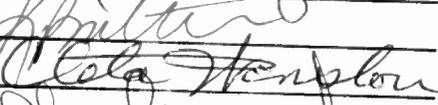
### ADVERSE REPORT

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

Kimberlyn Shaw-Mallory  
c/o Attorney Kevin C. Ford  
1126 Ponce de Leon Ave., NE  
Atlanta, Georgia 30306

**13-R-3075**

Dear Ms. Shaw-Mallory:

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. 11L1005

Date: March 12, 2013

Claimant/Victim Kimberlyn Shaw-Mallory
BY: (Atty) (Ins. Co.) Kevin C. Ford, Attorney at Law
Address: P.O. Box 550229, Atlanta, Georgia 30355
Subrogation: Claim for Property damage \$ Bodily Injury \$ 75,000
Date of Notice: 12/19/11 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 12/05/11 Place: I-20 West to Joseph E. Lowery
Department: Public Works Bureau: Office: Solid Waste Services
Employee involved: Carlos Converson Disciplinary Action: Terminated

NATURE OF CLAIM: Claimant alleges bodily injury sustained when her vehicle was struck by an alleged city vehicle. The investigation determined the claimant has filed a lawsuit to resolve her claim.

INVESTIGATION:

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

[Signature: J. Edmonds]
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 3/15/13
Deputy City Attorney: Concur/date
Committee Action: Council Action

KEVIN C. FORD  
ATTORNEY AT LAW

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OFFICE 404-869-6969  
FACSIMILE 404-869-6939

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DEC 19 AM 9:24

CC  
1120966

MAILING ADDRESS  
P. O. Box 550229  
ATLANTA, GEORGIA 30355

PHYSICAL ADDRESS  
2894 PIEDMONT ROAD N.E.  
ATLANTA, GEORGIA 30305

December 15, 2011

**VIA CERTIFIED MAIL/RETURN RECEIPT**

Office of Municipal Clerk (7011 2000 0001 7304 0963)  
55 Trinity Avenue S.W.  
Second Floor East  
Ste. 2700  
Atlanta, GA. 30303

Entered - 12-27-11 - GB  
11L1004-~~AKELLA~~  
W. HAYES

*W. Hayes*  
12/27/11  
GB

President Ceaser Mitchell (7011 2000 0001 7304 0956)  
City Council of Atlanta  
55 Trinity Avenue S.W.  
Atlanta, GA. 30303

CITY OF ATLANTA  
LAW DEPARTMENT  
DEC 27 REC'D  
RECEIVED *W. Hayes*

RE: Kimberlyn Shaw-Mallory  
Date of Collision/Incident: 12/5/11  
Location of collision: Exit Ramp from I-20 West to Joseph E. Lowery

Dear Sir/Madam:

On behalf of Kimberlyn Shaw-Mallory, the purpose of this letter is to put the City of Atlanta on notice of a claim by Kimberlyn Shaw-Mallory pursuant to O.C.G.A. 36-33-5.

Kimberlyn Shaw-Mallory was injured on 12/5/11 when Carlos Coverson, an employee of the City of Atlanta, negligently operated his sanitation truck into the rear of a vehicle which in turn collided into the rear of Kimberlyn's vehicle. A copy of the accident report completed by Georgia State Patrol is enclosed for your review.

Based upon information and belief, it is our contention that there was negligence involved on behalf of the City of Atlanta due to the negligent operation of the city sanitation truck by your employee, Carlos Coverson, in which he followed too closely causing multiple collisions and damages.

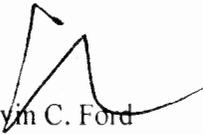
The damages to which Kimberlyn Shaw-Mallory is entitled include actual damages for out of pocket expenses incurred for medical treatment, future medical/therapy costs, loss of wages/earnings (past and future), general/compensatory damages for pain and suffering, mental anguish, permanent injury, inconvenience and disruption of her lifestyle, and damages for reduced capacity to earn arising from the disabling injuries. Thus, this is to notify the City of Atlanta that Ms. Shaw-Mallory has suffered damages that exceed the amount of seventy-five (\$75,000.00) thousand dollars.

In accordance with O.C.G.A. 33-3-28, this letter is to request the limits of liability insurance on each known policy of insurance which your organization had covering not

only the vehicle involved in this collision, but any other vehicles. This request includes any excess or umbrella coverage.

I thank you for forwarding this letter immediately to the legal department for the City of Atlanta, and I look forward to hearing from them upon receipt of this letter.

Sincerely,



Keym C. Ford

Enclosure



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		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED 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