

CITY COUNCIL
ATLANTA, GEORGIA

14-*P*-3293

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON MAY 22, 2012 ON CASCADE AND HERRING ROADS. (APD/04 - \$3,000.00) # 3874

CLAIM OF: Marquez Horton, a minor through his Attorney
Princewill O. Aneke, LLC
4591 Rockbridge Road, Suite A
Stone Mountain, Georgia 30083

Workflow List:

Office of Research and Policy Analysis	Pending
Atlanta City Council	Pending
Mayor's Office	Pending

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION DIVISION - COMMUNICATIONS UNIT

CERTIFIED

ATLANTA CITY COUNCIL PRESIDENT

MAR 17 2014

[Signature]

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: *March 11, 2014*

CHAIR: *[Signature]*

Mary Woodward

[Signature]

[Signature]

[Signature]

[Signature]

ADOPTED BY
MAR 17 2014
COUNCIL

x AD

APPROVED

[Signature]

MAYOR

CERTIFIED

[Signature]

MUNICIPAL CLERK



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR EAST
SUITE 2700
ATLANTA, GEORGIA 30303
404-330-6032

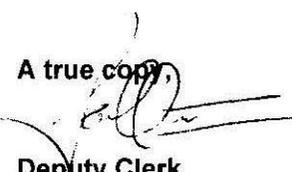
A RESOLUTION

14-R-3293

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to, **Marquez Horton, a minor through his Attorney Princewill O. Aneke, LLC** the sum of **\$3,000.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a motor vehicle accident on May 22, 2012 at Cascade and Herring Roads as is more particularly set forth in the within claim, said sum taken from and charged to **Account 1001/200101/5212005/1512000.**

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 17, 2014
MAR 26, 2014

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 12L0506

Date: January 21, 2014

Claimants /Victim: Marquez Horton, a minor
BY: (Atty) (Ins. Co.) Princwill O. Aneke, LLC
Address: 724 Lauren Parkway, Stone Mountain, Georgia 30083
Subrogation: Claim for Property damage \$ Bodily Injury \$ 15,000.00
Date of Notice: 6/23/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence: 5/22/12 Place: Cascade and Herring Roads
Department: Police Bureau: Office:
Employee involved: Richard Barthelemy Disciplinary Action: None

NATURE OF CLAIM: Claimant alleges bodily injury sustained when claimant's vehicle was struck by a city vehicle. The investigation determined the city driver failed to maintain a proper lookout while backing.

INVESTIGATION:

Statements: City employee X Claimant X Others Written X Oral X
Pictures X Diagrams X 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 X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - JANINE J. EDMONDS

RECOMMENDATION:

Pay \$ 3,000.00 Adverse Account charged: General Fund X Water & Sewer Aviation
Claims Manager/Director: [Signature] Concur/date 2/4/14
Deputy City Attorney: [Signature] Concur/date 2-17-14
Committee Action: Council Action



PRINCEWILL O. ANEKE, LLC

ATTORNEY AT LAW

4591 Rockbridge Road
Suite A
Stone Mountain, GA 30083

Telephone: 404.963.2242
Facsimile: 404.963.2245

Shari Moore
Paralegal

paralegal@anekelawoffices.com

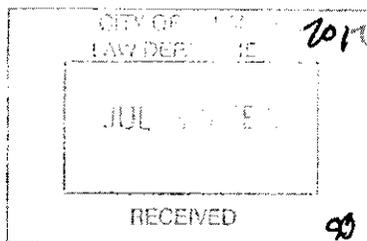
Born
7/26/12
gjb

July 5, 2012

ENTERED - 7-31-12 - SB
12L0506 - G. BURNS

SENT VIA CERTIFIED MAIL

Kaseem Reed, Mayor
City of Atlanta
Executive Offices
55 Trinity Avenue
Atlanta, GA 30303



RECEIVED

JUL 25 2012
CITY OF ATLANTA
DEPT OF LAW

Richard Mendoza Commissioner
Office of Public Works
City of Atlanta
68 Mitchell Street, Suite 4700
Atlanta, GA 30303

Atlanta City Council
55 Trinity Avenue, Suite 2900
Atlanta, GA 30303

Law Department
City of Atlanta Municipal Clerk
55 Trinity Avenue SW
Atlanta, GA 30303

Re: **Our Client(s):** Marco Robinson and Marquez Horton
Responsible Party: City of Atlanta
Date of Accident: May 22, 2012

Dear Addressees:

Please be advised that this firm has been retained to represent the interest of Marco Robinson and Marquez Horton, who were injured as a result of a motor vehicle accident that occurred on Cascade Road SW at the intersection with Herring Road SW, in the city of Atlanta on May 22, 2012.

This letter shall serve as an official Ante Litem Notice given pursuant to O.C.G.A. §36-33-5. Unless this matter can be resolved outside of litigation, my client intends to



PRINCEWILL O. ANEKE, LLC

ATTORNEY AT LAW

4591 Rockbridge Road
Suite A
Stone Mountain, GA 30083

Shari Moore
Paralegal

Telephone: 404.963.2242
Facsimile: 404.963.2245

paralegal@anekelawoffices.com

file suit against the County, State and/or any other parties responsible to recover all damages allowed under the laws of the state of Georgia. The exact amount of damages is not known at this time, but is being investigated.

The basis of liability as to the County, State and/or its various departments is still being investigated. It is thought at this time, based upon information and belief, that the City of Atlanta may have been negligent as follows:

In failing to render the highest degree of care, vigilance and precaution in guarding against the occurrence of all dangers from whatever source where the subject pedestrian incident that took place;

In otherwise failing to take any steps whatsoever to decrease or lessen the dangers faced by our client and others at the time and place of this incident;

The City of Atlanta through the actions of their employees acting within the scope of their employment, took one or more of the above-mentioned acts or failed to act causing the above pedestrian incident.

The acts of negligence and carelessness alleged against said county and/or the state above, if proven, demonstrate an utter disregard for the safety of others and may constitute a finding of wanton and willful misconduct on their part, justifying the imposition of punitive damages against them;

The basis of liability is still being investigated. This letter shall not preclude other basis of liability that may be uncovered during our investigation.

Additional basis of liability may exist with respect to the City of Atlanta in connection with the actions and omission of their employees and/or fellow employees and/or fellow counties in connection with their operation of the vehicles. Each of said governmental entities may be vicariously liable for the actions and omissions of each other, all alleged herein.

If you require any additional information regarding these claims, please do not hesitate to contact me and I will provide you with whatever information I have at my disposal. Pursuant to O.C.G.A. §36-33-5, the County and/or State shall consider and act upon a claim within 30 days from the date of its presentation. If you would like to discuss this claim in any way, I will make myself available to do so. It is our intention to



PRINCEWILL O. ANEKE, LLC

ATTORNEY AT LAW

4591 Rockbridge Road
Suite A
Stone Mountain, GA 30083

Telephone: 404.963.2242
Facsimile: 404.963.2245

Shari Moore
Paralegal

paralegal@anekelawoffices.com

file a lawsuit commencing shortly after the expiration of the 30-day period unless settlement can be achieved.

Sincerely,

Princewill Aneke
Attorney

PA/sm

cc: Marco Robinson
Marquez Horton

Entered – 7/31/12

CL 12L0506 - APD/04- Janine J. Edmonds

CLAIM OF: Marquez Horton, a minor through his Attorney
Princewill O. Aneke, LLC
4591 Rockbridge Road, Suite A
Stone Mountain, Georgia 30083

FOR BODILY INJURY ALLEGED TO HAVE BEEN SUSTAINED AS A RESULT OF A MOTOR VEHICLE ACCIDENT ON MAY 22, 2012 ON CASCADE AND HERRING ROADS. (APD/04 - \$3,000.00) # 3874

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Marquez Horton, a minor through his Attorney Princewill O. Aneke, LLC the sum of \$3,000.00 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a motor vehicle accident on May 22, 2012 on Cascade and Herring Roads as is more particularly set forth in the within claim; said sum taken from and charged to Account 1001/200101/5212005/1512000.

RCS# 180
3/17/14
4:19 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I: EXCEPT
14-0-1114;1135; 1136
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

CONSENT I

RCS# 181
3/17/14
4:21 PM

Atlanta City Council

CONSENT I

14-0-1114;1135; 1136
ADOPT

YEAS: 9
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Bond
NV Hall	N Wan	Y Martin	NV Norwood
Y Young	Y Shook	B Bottoms	Y Dickens
NV Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

+

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	03-17-14 ITEMS ADVERSED ON CONSENT
1. 14-O-1119 2. 14-O-1120 3. 14-O-1140 4. 14-O-1141 5. 14-O-1142 6. 14-O-1143 7. 14-O-1144 8. 14-O-1145 9. 14-O-1146 10. 14-O-1147 11. 14-O-1121 12. 14-O-1122 13. 14-O-1123 14. 14-O-1124 15. 14-O-1131 16. 14-R-3314 17. 14-R-3315 18. 14-R-3316 19. 14-R-3317 20. 14-R-3289 21. 14-R-3290 22. 14-R-3291 23. 14-R-3285 24. 14-R-3286 25. 14-R-3287 26. 14-R-3288 27. 14-R-3318 28. 14-R-3292 29. 14-R-3293 30. 14-R-3294 31. 14-R-3295 32. 14-R-3296 33. 14-R-3297	34. 14-R-3298 35. 14-R-3299 36. 14-R-3300 37. 14-R-3301 38. 14-R-3302 39. 14-R-3303 40. 14-R-3304 41. 14-R-3305 42. 14-R-3306 43. 14-R-3307 44. 14-R-3308 45. 14-R-3309 46. 14-R-3310 47. 14-R-3311 48. 14-R-3312 49. 14-R-3313	