

CLAIM OF: LILLIE MITCHELL, AS WIFE AND PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID MITCHELL, SR. deceased,

through her attorney,
Lorenzo Williams
P. O. Box 3390
Ft. Pierce, Georgia 34948-3390

For damages alleged to have been sustained as a result of a wrongful death on January 14, 1999 at Hartsfield Atlanta International Airport.

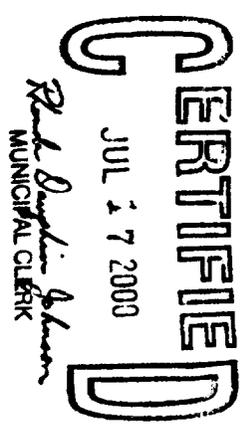
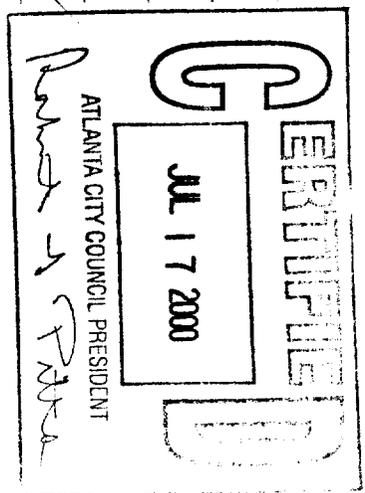
THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVISED BY REPORT CONSENT AGENDA

ADVISED BY JUL 17 2000
CITY COUNCIL

COM: P.S. v. L.A.
DATE: 7/11/00
CITY: C.T. Parker
[Signature]
[Signature]
[Signature]





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 28, 2000

Lorenzo Williams
Attorney at Law
P.O. Box 3390
Ft. Pierce, GA 34948-3390

00-R-1040

RE: Lillie Mitchell, as wife and personal
representative of the Estate of David Mitchell,
Sr. deceased

Dear Attorney Williams:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on July 17, 2000. 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.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0331

Date: June 26, 2000

Claimant /Victim LILLIE MITCHELL, AS WIFE AND PERSONAL REPRESENTATIVE OF THE ESTATE OF DAVID MITCHELL, SR., deceased
BY: (Atty) Lorenzo Williams
Address: P. O. Box 3390, Ft. Pierce, Florida 34948-3390
Subrogation: Claim for Property damage \$ Bodily Injury \$ 10,000,000.00
Date of Notice: 06/05/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 01/14/99 Place: Hartsfield Atlanta International Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges her husband was killed while driving a baggage carrier that was struck by an airplane owned by Atlantic Southeast Airlines. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

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 X Ministerial
Improper Notice More than Six Months X 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]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-26-00
Committee Action: Council Action

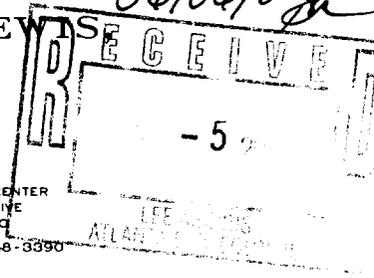
GARY, WILLIAMS, PARENTI, FINNEY, LEWIS
McMANUS, WATSON & SPERANDO

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1-800-329-4279



W. E. GARY PROFESSIONAL CENTER
320 S. INDIAN RIVER DRIVE
POST OFFICE BOX 3390
FT. PIERCE, FLORIDA 34948-3390
(561) 464-2352
FAX NO. (561) 464-4226
1-800-330-2832



PLEASE REPLY TO: **FORT PIERCE OFFICE**

June 1, 2000

ENTERED - 6-12-00 - SB
00L0331 - DIANNE MITCHELL

via Certified Mail RRR# Z 140939 436

The Honorable Bill Campbell
Mayor, City of Atlanta
55 Trinity Avenue, Suite 2400
Atlanta, GA 30335

Mr. Larry Wallace
City Manager

Susan Pease Langford
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68 Mitchell St. SW, Suite 4100
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Mable Thomas
Derrick Boazman
Debi Starnes
Michael Julian Bond
Cleta Winslow
Sherry Dorsey
Jim Maddox
Clarence T. Martin
Felica Moore
Clair Muller
Lee Morris
Cathy Woolard

RE: **OUR CLIENT: DAVID MITCHELL, SR., DECEASED**
DATE OF DEATH: JANUARY 14, 1999
PLACE OF ACCIDENT: HARTSFIELD AIRPORT

Dear Mayor Campbell:

Please be advised that this Law Firm represents Lillie Mitchell, as the wife and Personal Representative of the Estate of David Mitchell Sr., Deceased, with regard to the wrongful death of David Mitchell, Sr., as a result of an airline accident which occurred on January 14, 1999 at Hartsfield International Airport. Mr. Mitchell was employed by Atlantic SouthEast Airlines at the time of his death. On January 14, 1999 at approximately 10:30 P.M. David Mitchell was returning to Concourse C after filling up his baggage carrier/tug with gas. At the same time and place, an Atlantic Southeast Airlines plane, a Brasilia EMB-120RT, Registration Number 223ASA, was taxiing toward Concourse C when the right propeller of the plane and the Delta tug collided. This occurred in the vicinity of Concourse C and Concourse D just east of gate C9 and C11 at Atlanta Hartsfield Airport. Mr. Mitchell was driving the tug in a marked traffic lane between the two concourses during a heavy rain. The right propeller of the plane struck David Mitchell's head, back, severed his right hand and three fingers. The aircraft taxi light was not on at the time of the accident. On January 14, 1999, Mr. Mitchell was killed while performing duties in the scope and course of his employment with Atlantic SouthEast Airlines.

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Civil Trial Lawyer
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- Adm. MD Bar
- * Adm. MI Bar
- ** Adm. NY Bar
- *** Adm. NJ Bar
- Adm. TN Bar
- Adm. CT Bar
- Adm. MA Bar
- Adm. PA Bar
- Adm. VA Bar

Mr. Mitchell's fatal injury was the result of negligence on the part of Hartsfield International Airport/City of Atlanta as follows:

- a. The City of Atlanta failed to mandate, monitor and ensure that the crossover lines at the concourses at the Hartsfield International Airport were painted in a color that would readily be apparent to surface vehicles and aircraft.
- b. The City of Atlanta failed to mandate, monitor and ensure that all aircraft utilizing Hartsfield International Airport made judicious use their taxi lights during periods of rain and reduced visibility.
- c. The City of Atlanta through the Airport Police failed to adequately monitor and enforce speed limits placed on surface vehicles such as tugs, fueling trucks, and baggage carts at Hartsfield International Airport and taxiing aircraft.

As a result of said negligence on the part of the City of Atlanta, David Mitchell Sr., died when the Delta tug he was driving collided with an Atlanta Southeast Airlines Aircraft. David Mitchell Sr. leaves behind the following heirs and beneficiaries:

- a. Lillie Mitchell - spouse
- b. David Mitchell Jr. - natural son (age 24)
- c. Ariella Mitchell - natural daughter (age 23)

Lillie Mitchell as the wife of the deceased will be appointed Administrator/Personal Representative of the Estate. The Estate has a claim for medical and funeral expenses of David Mitchell Sr.

This notice is given to you pursuant to O.C.G. A. § 36-33-5. On December 17, 1999 the Federal Aviation Administration forwarded a copy of their investigative report along with their findings and safety recommendations to our office. The heirs and beneficiaries of David Mitchell Sr., deceased, namely

- a. Lillie Mitchell , spouse
- b. David Mitchell, natural son
- c. Ariella Mitchell, natural daughter

hereby make a global demand for payment of the wrongful death claim and the estate claim in the amount of Ten Million Dollars (\$10,000,000.00).

Sincerely yours,

**GARY, WILLIAMS, PARENTI, FINNEY,
MCMANUS, LEWIS, WATSON & SPERANDO**

Victor J. Wright (for)
LORENZO WILLIAMS, ESQUIRE
For the Firm

cc: Mrs. Lillie Mitchell

00- R-1040