

CLAIM OF: **CAROL B. PERRY**  
through her attorney  
**WILLIAM H. JOYNER**  
11205 Apharetta Hwy, Suite 1  
Atlanta, Georgia 30076-1442

For bodily injuries damages alleged to have been  
sustained as a result of a slip and fall incident on  
March 1, 2000 at 185 Central Avenue.  
**CONSENT AGENDA**

THIS ADVERSED REPORT IS  
APPROVED

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

**ADVISED REPORT**

com Public Safety  
8/11/2000

*George T. Martin*  
*Debra King*  
*Dorey Helms*

**CERTIFIED**  
AUG 7 2000  
*Richard D. King*  
MUNICIPAL CLERK

**CERTIFIED**  
AUG 07 2000  
*Richard D. King*  
MUNICIPAL CLERK

ADVISED BY  
CITY CLERK  
AUG 07 2000

August 28, 2000

William H. Joyner  
Attorney at Law  
11205 Apharetta Hwy.  
Suite 1  
Atlanta, GA 30076-1442

00-R-1157

RE: Carol B. Perry

Dear Attorney Joyner:

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 August 07, 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. 00L0275

Date: July 17, 2000

Claimant /Victim CAROL B. PERRY
BY: (Atty) (Ins. Co.) WILLIAM H. JOYNER, ATTORNEY AT LAW
Address: 11205 Alpharetta Highway, Suite E1, Roswell, Georgia 30076-1442
Subrogation: Claim for Property damage \$ Bodily Injury \$ 25,000.00
Date of Notice: 5/3/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/1/00 Place: 185 Central Avenue
Department PUBLIC WORKS Division Street
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when she tripped and fell on a broken, raised section of sidewalk. However, claimant has filed a lawsuit to settle the issues of her claim.

INVESTIGATION:

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

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 07-901
Committee Action: Council Action

**WILLIAM H. JOYNER**

ATTORNEY AT LAW

11205 ALPHARETTA HWY

SUITE E1

ROSWELL, GEORGIA 30076-1442

*BURNS*

*05/10/00*



May 1, 2000

Ms. Susan Pease Langford  
City of Atlanta  
Department of Law  
Suite 4100  
City Hall Tower  
68 Mitchell Street, S.W.  
Atlanta, Georgia 30335-0332

**ENTERED - 5-10-00 - SB**  
**00L0275 - GWEN BURNS**

Dear Ms. Langford:

This office represents Mrs. Carol B. Perry for injuries she sustained in a fall on a sidewalk negligently maintained by the City of Atlanta. The incident occurred in the 100 block of Central Avenue, S.W., directly across the street from the Fulton County Justice Tower and less than one block from City Hall.

Pursuant to O.C.G.A. 36-33-5(a), a claim for damages is being made against the City of Atlanta for injuries sustained by Mrs. Perry on or about March 1, 2000, at approximately 12:30 p.m. in the location noted above. My client tripped on a broken, raised section of sidewalk, and sustained traumatic injuries to her face, three (3) teeth, right hand and wrist. She suffered broken and fractured teeth, and facial lacerations, bruises and contusions. In addition, her right hand and wrist were sprained and bruised.

To date, Mrs. Perry has incurred medical bills totaling \$2,226.00 for emergency room treatment, dental services, and prescriptions. This amount represents only those charges for which bills have been received. In addition, Mrs. Perry's dentist anticipates a minimum of \$1,000.00 in future dental expenses for a root canal on at least one of the three traumatized teeth. Also, as a result of her injuries, my client was unable to work for 2 ½ days, and lost wages in the amount of \$336.70, and she may miss additional time from work for medical treatment.

Mrs. Perry's fall and the resultant injuries she sustained, are the direct result of the negligent failure of the City of Atlanta to correct harmful defects in, and safely maintain its sidewalks. The defective area of sidewalk where the incident occurred is less than one block from, and is in plain view of City Hall. Had the City of Atlanta exercised reasonable diligence in the performance of its duty, this defect would have been identified and corrected.

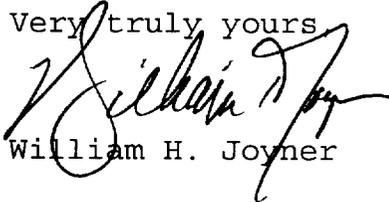
Ms. Susan Pease Langford  
May 1, 2000  
Page 2

In addition to being negligent, the City of Atlanta is liable to my client for her injuries because the city, by failing to correct the defective sidewalk, has maintained a nuisance. The defect in the sidewalk consists of an area where one section of sidewalk has been lifted or shifted at least three (3) inches above the adjacent section, creating a dangerous hazard, which has existed uncorrected to this date. Further, because of its location this dangerous condition should have been known to the city, and should have been repaired.

Enclosed for your reference is a copy of the incident report filed by Mrs. Perry with the City of Atlanta Police Department on March 10, 2000. I will, upon being advised who is handling this claim for city, be happy to provide Mrs, Perry's medical bills and reports for review.

Best regards.

Very truly yours



William H. Joyner

WHJ/em  
Enc.

cc: Mrs. Carol B. Perry

00-*R*-1157