

Entered - 08/11/00 - sb  
CL00L0487 - DIANNE C. MITCHELL

00-*R*-1728

CLAIM OF: ALI SEIREG,  
through his attorney,  
Daniel MacDougald, III  
152 Nassau Street  
Atlanta, Georgia 30303

For damages alleged to have been sustained as a result of personal injuries  
due to a fall on an escalator on March 13, 2000 at the Atlanta Airport.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

# ADVERSE REPORT

COM. Public Safety

DATE 10/31/00

V- IN. Cleta Wilson

Donny Smith

Michael B...

...

Sherris Dosey

APPROVED BY  
CITY COUNCIL NOV 06 2000

CERTIFIED  
NOV 6 2000  
ATLANTA CITY COUNCIL PRESIDENT  
Robert J. Pitts

CERTIFIED  
NOV 06 2000  
Phonchi Daughlin Johnson  
MUNICIPAL CLERK



## 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

November 15, 2000

Daniel MacDougald, III  
Attorney at Law  
152 Nassau Street  
Atlanta, GA 30303

00-R-1728

RE: Ali Seireg

Dear Attorney Seireg:

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 January 03, 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. 00L0487

Date: October 10, 2000

Claimant /Victim ALI SEIREG  
BY: (Atty.) Daniel MacDougald, III  
Address: 152 Nassau Street, Atlanta, Georgia 30303  
Subrogation:          Claim for Property damage \$          Bodily Injury \$ 1,000,000.00  
Date of Notice: 08/09/00 Method: Written, proper X Improper           
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/13/00 Place: Atlanta Airport  
Department Aviation Division:           
Employee involved          Disciplinary Action:         

NATURE OF CLAIM: The claimant alleges he was injured when he fell on will riding on an escalator at the Atlanta Airport. This claim has been forwarded to the elevator company who is responsible for the maintenance of the escalators in the airport.

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          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,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$          Adverse X Account charged: 1A01          2J01          2H01           
Claims Manager: Dianne C. Mitchell Concur/date 10-20-00  
Committee Action:          Council Action

**DANIEL MACDOUGALD III**

Attorney at Law  
152 Nassau Street  
Atlanta, GA 30303  
Telephone: 404-688-6100  
Fax: 404-688-0711  
dmacd@mindspring.com

*Mitchell*  
*08/10/00*

**ENTERED - 8-11-00 - SB**  
**00LO487 - DIANNE MITCHELL**

August 7, 2000

The Honorable William C. Campbell  
Mayor  
City Of Atlanta  
Suite 2400  
68 Mitchell Street  
Atlanta, GA 30335

The City Council of the City of Atlanta  
c/o Rhonda Dauphin Johnson  
Clerk of Council  
City of Atlanta  
68 Mitchell St.  
Atlanta, GA 30335

**RE: Ante-Litem Notice and Demand; Ali Seireg v. City of Atlanta**

Dear Mayor Campbell and Members of Council:

I represent Ali Seireg. The purpose of this letter is to state a demand for settlement of his claim for personal injuries in compliance with the ante-litem notice statute, O.C.G.A. § 36-33-5. The particulars of the demand are as follows:

On March 13, 2000, Mr. Seireg was riding a downward escalator into the transportation mall at Hartsfield International Airport, escalator E-1-C, in Concourse E. The escalator came to a sudden and unexpected halt, and Mr. Seireg was pitched over forward down the escalator steps, landing on his face. He suffered injuries to his face and head, and his right knee and shin as described on the AATC Operations Incident report No. 00313-3 prepared regarding this incident. Since the injury, he has exhibited symptoms of cognitive impairment and mild brain injury caused by this incident. Since the incident he has suffered, and continues to suffer headaches, dizziness, loss of balance and low energy levels. Mr. Seireg has had an MRI scan of his brain which revealed mild small vessel ischemic white matter changes, most likely the result of rotational shearing in the brain from the forces of the injury. Brain injury of this type is a well-documented consequence of head trauma.

Mr. Seireg's injuries were caused by the City's failure to give passengers on the escalator warning of sudden stops, failure to warn of the danger of sudden stops, and

failure to properly maintain the escalator so as to prevent sudden stops such at the one that caused Mr. Seireg's injuries.

Mr. Seireg is a university professor of biomechanics, holding full professorships at the University of Wisconsin and the University of Florida. He is one of the world's leading experts in the area of biomechanics. Any cognitive impairment is therefore a matter of utmost gravity.

I am authorized to tender an offer to settle, compromise and release this case in exchange for a payment of \$1,000,000 within 30 days of your receipt of this letter.

Should you or your designees have questions, or require any further information, please do not hesitate to call on me.

Yours truly,



Dan MacDougald III

cc Ali Seireg  
Vincent Maeder

00-R -1728

RCS# 2356  
11/06/00  
2:45 PM

Atlanta City Council  
Regular Session

CONSENT

Pages 1-17

ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
B Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-R-1422  
00-R-1666

CONSENT

		11/06/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1577	30. 00-R-1716	59. 00-R-1753
2. 00-O-1586	31. 00-R-1724	60. 00-R-1754
3. 00-O-1615	32. 00-R-1725	61. 00-R-1755
4. 00-O-1661	33. 00-R-1727	62. 00-R-1756
5. 00-O-1663	34. 00-R-1728	63. 00-R-1757
6. 00-O-1670	35. 00-R-1729	64. 00-R-1758
7. 00-R-1578	36. 00-R-1730	65. 00-R-1759
8. 00-R-1685	37. 00-R-1731	66. 00-R-1760
9. 00-R-1780	38. 00-R-1732	67. 00-R-1761
10. 00-R-1659	39. 00-R-1733	68. 00-R-1762
11. 00-R-1688	40. 00-R-1734	69. 00-R-1763
12. 00-R-1689	41. 00-R-1735	70. 00-R-1764
13. 00-R-1704	42. 00-R-1736	71. 00-R-1765
14. 00-R-1722	43. 00-R-1737	72. 00-R-1766
15. 00-R-1723	44. 00-R-1738	73. 00-R-1767
16. 00-R-1708	45. 00-R-1739	74. 00-R-1768
17. 00-R-1774	46. 00-R-1740	75. 00-R-1769
18. 00-R-1709	47. 00-R-1741	76. 00-R-1770
19. 00-R-1710	48. 00-R-1742	77. 00-R-1771
20. 00-R-1711	49. 00-R-1743	78. 00-R-1772
21. 00-R-1712	50. 00-R-1744	79. 00-R-1773
22. 00-R-1713	51. 00-R-1745	
23. 00-R-1714	52. 00-R-1746	
24. 00-R-1715	53. 00-R-1747	
25. 00-R-1717	54. 00-R-1748	
26. 00-R-1718	55. 00-R-1749	
27. 00-R-1719	56. 00-R-1750	
28. 00-R-1720	57. 00-R-1751	
29. 00-R-1721	58. 00-R-1752	