

Entered - 01/19/01 - sb  
CL01L0046 - DIANNE C. MITCHELL

CLAIM OF: **MACK SARFATY,**  
through his attorney,  
**Michael W. Higgins**  
3333 Peachtree Road, NE  
Suite 230  
Atlanta, Georgia 30326

01-*R*-0276

For damages alleged to have been sustained as a result of a personal injury on July 18, 2000 at the Atlanta Airport.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY** *Robert M. Coy ACA*

APPROVED MAR 05 2001

COM. *P.S. & LA*  
DATE *2/27/01*  
CHM *C. T. Martin*  
*Michael Ross*  
*Dany Strick*  
*Clete Hensler*

**CERTIFIED**  
MAR 05 2001  
ATLANTA CITY COUNCIL PRESIDENT  
*Richard A. Pitts*

**CERTIFIED**  
MAR 05 2001  
*Rhonda Daughin 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

March 13, 2001

Michael W. Higgins  
Attorney at Law  
3333 Peachtree Rd., NE  
Suite 230  
Atlanta, GA 30326

01-R-0276

RE: Mack Sarfaty

Dear Attorney Higgins:

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 March 05, 2001. 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. 01L0046

Date: February 8, 2001

Claimant /Victim MACK SARFATY  
BY: (Atty)(Ins. Co.) Michael W. Higgins  
Address: 3333 Peachtree Road, NE, Suite 230, Atlanta, Georgia 30326  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 01/04/01 Method: Written, proper X Improper       
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 07/18/00 Place: Atlanta Airport  
Department Aviation Division:       
Employee involved      Disciplinary Action:     

NATURE OF CLAIM: The claimant alleges he was injured on an escalator at the Atlanta Airport. The claim has been forwarded to the City's insurance carrier, AIG Aviation, for handling. The claimant's attorney has been advised of this action.

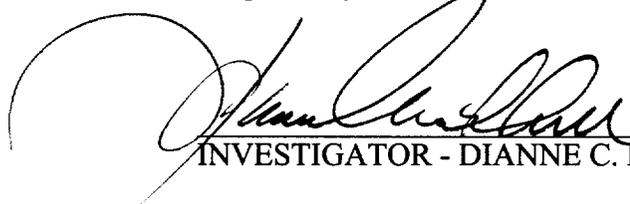
INVESTIGATION:

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     

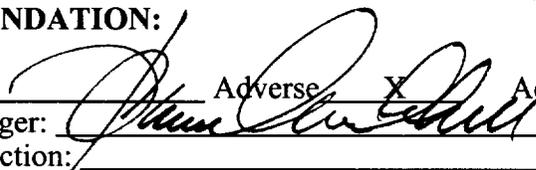
BASIS OF RECOMMENDATION:

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:  Concur/date 02-08-01  
Committee Action:      Council Action

**HIGGINS & DUBNER**  
ATTORNEYS AT LAW  
ATLANTA FINANCIAL CENTER  
3333 PEACHTREE ROAD, N.E.  
SUITE 230  
ATLANTA, GEORGIA 30326

*Mitchell*  
01/18/01  
*DM*

MICHAEL W. HIGGINS

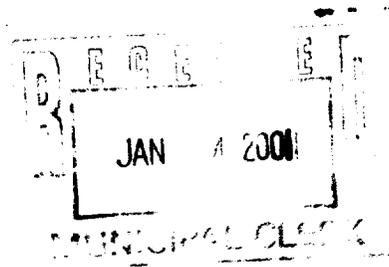
TELEPHONE: (404) 264-1011  
TELECOPIER: (404) 264-1044

January 4, 2001

**ENTERED - 1-19-01 - SB**  
**01L0046 - DIANNE MITCHELL**

VIA HAND DELIVERY

Mayor and Counsel of  
The City of Atlanta  
c/o Municipal Clerk  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30303



Re: Our client: Mack Sarfaty  
AIG Aviation, Inc.  
Claim No. L001193  
Date of Loss: July 18, 2000

01-04-01

Dear Mayor Campbell and Members of the City Counsel:

This writer in this law firm represent Mr. Mack Sarfaty in connection with his claims against the City of Atlanta and or the Atlanta Airline Terminal Corporation and/or others arising out of injuries he sustained on July 18, 2000 on account of a malfunctioning escalator.

On July 18, 2000 (at approximately 1:00 A.M.) our client was riding on one of main exit escalators rising from Le Saint Amour, LLC., Angeline Eriksen and Noelle Thomas in connection with the above-referenced arbitration matter. Please forward all notices, awards and other documents in this case to us.

You will find enclosed, as a separate document, the Answer and Statement (original and duplicate) of the those Respondents.

Together with a copy of this letter, we are also serving that Answer and Statement upon opposing counsel.

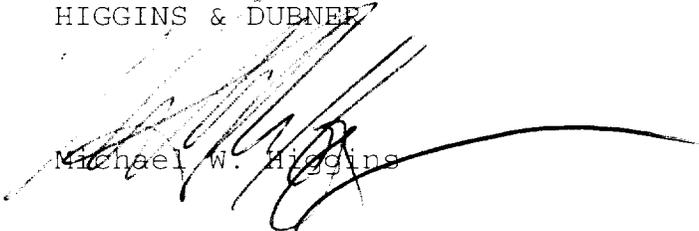
As concerns of the place of the arbitration, we note that in informal paperwork the Plaintiff has requested that arbitration take place at the Candler Building, 127 Peachtree Street. Our clients object to this location because it is inconvenient, has no parking and is otherwise an inadequate facility. The Respondents request that the arbitration take place at the office of the American Arbitration Association, 1100 Century Parkway, Suite 300, Atlanta, GA 30345-3203.

Matthew G. Duncan  
January 4, 2001  
Page 2

With kindest personal regards, we are,

Very truly yours,

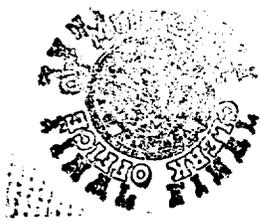
HIGGINS & DUBNER

  
Michael W. Higgins

MWH/smf  
cc: Paul D. Herman, Esq.

**01-R -0276**

01-R-0276



RCS# 2689  
3/05/01  
6:36 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 thru. 13

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

**SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA**

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

**ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0240  
01-R-0307  
01-R-0346**

CONSENT

**ITEMS ADOPTED ON CONSENT  
AGENDA**

**ITEMS ADVERSED  
ON CONSENT AGENDA**

1. 01-O-0179
2. 01-O-0348
3. 00-O-1657
4. 01-O-0355
5. 01-O-0152
6. 01-R-0190
7. 01-R-0349
8. 01-R-0351
9. 01-R-0290
10. 01-R-0304
11. 01-R-0305
12. 01-R-0369
13. 01-R-0370
14. 01-R-0297
15. 01-R-0300
16. 01-R-0298
17. 01-R-0299
18. 01-R-0251
19. 01-R-0252
20. 01-R-0253
21. 01-R-0254
22. 01-R-0255
23. 01-R-0256
24. 01-R-0257
25. 01-R-0258
26. 01-R-0259
27. 01-R-0260
28. 01-R-0261
29. 01-R-0262
30. 01-R-0263
31. 01-R-0264
32. 01-R-0265
33. 01-R-0266
34. 01-R-0267
35. 01-R-0268
36. 01-R-0269
37. 01-R-0291
38. 01-R-0292

39. 01-R-0270
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  41. 01-R-0272
  42. 01-R-0273
  43. 01-R-0274
  44. 01-R-0275
  45. 01-R-0276
  46. 01-R-0277
  47. 01-R-0278
  48. 01-R-0279
  49. 01-R-0280
  50. 01-R-0281
  51. 01-R-0282
  52. 01-R-0283
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  54. 01-R-0285
  55. 01-R-0286
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  58. 01-R-0289
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