

Entered - 11/20/00 - sb  
CL00L0702 - DIANNE C. MITCHELL

CLAIM OF: **ELOISE SITES,**  
**through her attorney,**  
**Charles L. Day**  
**707 Whitlock Avenue**  
**Unit 7H**  
**Marietta, Georgia 30064**

01- *R* -0278

For damages alleged to have been sustained as a result of a personal injury on May 11, 2000 at the Atlanta Airport.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell* by  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY** *Robert M. Gray DCA*

ATLANTA CITY COUNCIL MAR 05 2001

**ADVERSE REPORT**

COM. *P.S. & L.A.*

DATE *2/27/01*

CHM. *C.T. Martin*

*Michael Ross*

*Debra Leigh*

*Cela Henderson*

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

**CERTIFIED**  
MAR 05 2001  
*Rhonda Daphnie 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

Charles L. Day  
Attorney at Law  
707 Whitlock Avenue  
Unit 7H  
Marietta, Georgia 30064

01-R-0278

RE: Eloise Sites

Dear Attorney Day:

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. 00L0702

Date: February 8, 2001

Claimant /Victim ELOISE SITES  
BY: (Atty)(Ins. Co.) Charles L. Day  
Address: 707 Whitlock Avenue, Unit 7H, Marietta, Georgia 30064  
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated  
Date of Notice: 11/09/00 Method: Written, proper X Improper           
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/11/00 Place: Atlanta Airport  
Department Aviation Division:           
Employee involved          Disciplinary Action:         

NATURE OF CLAIM: The claimant alleges she 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         

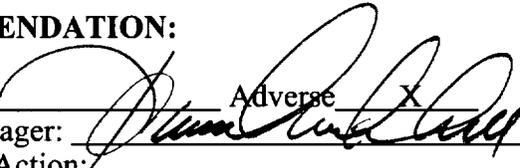
BASIS OF RECOMMENDATION:

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

**CHARLES L. DAY, P.C.**  
A Professional Corporation  
Attorneys At Law

707 Whitlock Avenue  
Unit 7H  
Marietta, Georgia 30064  
November 8, 2000

Telephone: 770-424-0304  
Telecopier: 770-424-6218

*LAW*  
*Mitchell*  
*11/20/00*  
*DM*

City of Atlanta  
Aviation Department  
55 Trinity Ave., SW  
Suite 2400  
Atlanta, Georgia 30335

NOV - 2000  
ENTERED - 1-20-00 - SB  
00L0702 - DIANNE MITCHELL

Hand Delivery Via Courier

Attn: The Honorable William C. Campbell, Mayor

Re: NOTICE OF CLAIM AGAINST THE CITY OF ATLANTA

Claimant: Eloise Sites  
Date of Injury: May 11, 2000  
Location of Injury: Hartsfield Atlanta International Airport

*11.15*  
*11.14*

Dear Mayor Campbell:

I represent Eloise Sites and Ira John Sites in these claims. Please let the records of the City of Atlanta reflect that Ms. Sites is asserting claims against the City of Atlanta for the severe and permanent bodily injuries sustained by her on May 11, 2000 and that Mr. Sites is asserting his claim for the loss of consortium resulting from the bodily injuries to Ms. Sites. This notice is being presented pursuant to the provisions of OCGA § 36-33-5.

Ms. Sites' luggage (pullable luggage with rollers) became caught on a metal plate at the front of an escalator in the airport terminal while she was using the terminal and escalator in the normal and usual manner. When the luggage caught in the metal, Ms. Sites was jerked to the right side, backwards, and to the floor. The fall injured her left elbow and required surgery. Ms. Sites' fall was caused by the faulty design, construction and operation of the escalator, by the negligent maintenance of the escalator, by the maintenance of a nuisance and by the existence of a hazardous condition on the premises. Ms. Sites has incurred medical expenses as a result of the fall and has experienced severe pain and discomfort as a result of the injury. Mr. Sites' consortium with Ms. Sites has been damaged as a result of the injuries sustained by Ms. Sites.

Please be advised that Ms. Sites is asserting claims against the City of Atlanta in excess of \$50,000.00 as a result of her injuries. Mr. Sites is asserting his claim for loss of consortium with Ms. Sites for fair and adequate compensation..

A copy of this notice is being provided to each of the members of the Atlanta City Council simultaneously herewith, in care of Rhonda Johnson, Clerk of City Council of Atlanta.

Respectfully yours,

*Charles L. Day*  
Charles L. Day

/ms

pc: Robb Pitts, Council member  
Vern McCarty, Council member  
Debi Starnes, Council member  
Michael Julian Bond, Council member  
Cleta Winslow, Council member  
Sherry Dorsey, Council member  
Cathy Woolard, Council member  
L. ... Council member

Clair Muller, Council member  
Felicia Moore, Council member  
Clarence T. Martin, Council member  
Jim Maddox, Council member  
Derrick Boazman, Council member  
"Able" Mable Thomas, Council member  
member  
Julia Emmons, Council member  
Dough Alexander, Council member

01-R-0278

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	<b>ITEM (S) REMOVED FROM CONSENT AGENDA</b> 01-O-0240 01-R-0307 01-R-0346
Y Starnes	Y Woolard	NV Martin	Y Emmons	
Y Bond	Y Morris	B Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

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
  40. 01-R-0271
  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
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  58. 01-R-0289
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