

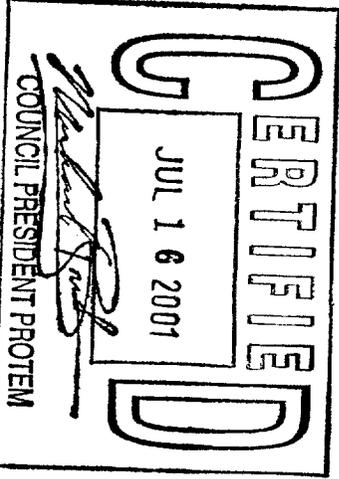
Entered - 05/17/01 - dp  
CL01L0311 - DIANNE C. MITCHELL

01-R-1037

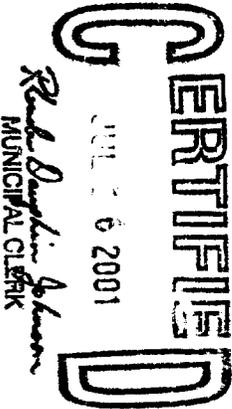
CLAIM OF: **LINDA D. CARTER**  
through her attorney,  
**Robert A. Plumb, Jr.**  
P. O. Box 1547  
Valdosta, Georgia 31603

For damages alleged to have been sustained as a result of personal injuries while boarding a flight at the Atlanta Airport on July 15, 2000.

THIS ADVERSED REPORT IS APPROVED



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



ADVERSE REPORT  
CITY COUNCIL  
JUL 16 2001

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 7/16/01

CHAIR City Manager

[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_



CITY OF ATLANTA  
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 27, 2001

Robert A. Plumb, Jr.  
Attorney at Law  
P.O. Box 1546  
Valdosta, GA 31603

01-R-1037

RE: Linda D. Carter

Dear Attorney Plumb:

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 16, 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. 01L0311

Date: June 25, 2001

Claimant /Victim LINDA D. CARTER
BY: (Atty) Robert A. Plumb, Jr.
Address: P. O. Box 1547, Valdosta, Georgia 31603
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 05/11/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 07/15/00 Place: Atlanta Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured while boarding a flight at the Atlanta Airport. The claim has been forwarded to the airports' insurance carrier, AIG Aviation, for handling. Furthermore, 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 Ministerial X
Improper Notice More than Six Months X 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,

[Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: [Signature] Concur/date 06-26-01
Committee Action: Council Action

**LANGDALE, VALLOTTON, LINAHAN & WETHERINGTON, LLP**

ATTORNEYS AT LAW  
A LIMITED LIABILITY PARTNERSHIP  
1007 NORTH PATTERSON STREET  
P. O. BOX 1547  
VALDOSTA, GEORGIA 31603

TELEPHONE (912) 244-5400

TELECOPIER (912) 244-0453

WILLIAM P. LANGDALE, JR.  
JOSEPH E. VALLOTTON  
WILLIE J. LINAHAN  
CHARLES A. WETHERINGTON, JR.  
WILLIAM P. LANGDALE, III  
PAUL J. ALVARADO  
ROBERT A. PLUMB, JR.  
OF COUNSEL  
E. CAMERON HICKMAN  
JOHN P. SINNOTT\*  
\*(N.Y., N.J. AND OH. ONLY)

May 2, 2001

ENTERED - 5-17-01 - SB  
01L0311 - DIANNE MITCHELL

IN REPLY PLEASE  
REFER TO FILE

001050/L

*M. P. Carter*  
05/01/01  
*[Signature]*

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

City of Atlanta  
Municipal Clerk, Law Department  
55 Trinity Avenue  
Atlanta, Georgia 30335-0332

Re: My Client: Linda D. Carter  
Date of Incident: July 15, 2000  
Location: Hartsfield International Airport  
Gate C-27

Dear Municipal Clerk:

Please be advised by receipt of this correspondence that our firm represents Linda D. Carter as a result of injuries sustained while boarding the above-numbered flight.

This is a formal notice of our representation in this matter. I respectfully request that the City of Atlanta maintain the original file material with respect to this incident. Specifically, I request that you maintain any statement obtained from my client, eyewitnesses, other witnesses and employees of ASA/Delta Connection Airlines. Furthermore, I would ask that you maintain in your files any incident and/or accident reports generated as a result of the incident involving my client. Should there be any photographs or videotapes of the incident, the incident location and/or my client I would respectfully request that you maintain these items in your possession also. Essentially, this letter is written as a request for your to maintain all information with regard to my client's fall. Any loss or destruction of the above-requested documents and things will be considered by us to constitute intentional destruction of evidence and spoliation of evidence. I would ask that you please confirm in writing to me that these documents and things are being preserved.

Additionally, I would suggest that you forward this correspondence to your insurance carrier, directing them to contact us immediately. You should be mindful that if you fail to notify your insurance carrier about this correspondence, it may cause you to lose any protection you may have under your insurance policy. Consequently, you should notify your insurance company immediately about this correspondence.

Very truly yours,

LANGDALE, VALLOTTON, LINAHAN  
& WETHERINGTON

A handwritten signature in black ink, appearing to read "Robert A. Plumb, Jr.", written in a cursive style.

Robert A. Plumb, Jr.

RAP/hh

cc: Linda D. Carter

01- R-1037

RCS# 2995  
7/16/01  
2:24 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 through 16

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA

01-O-0992 01-R-1108  
01-O-0710 01-R-1041  
01-O-0711 01-R-1042  
01-O-1089 01-R-1043  
01-O-0995 01-R-1065

CONSENT

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 01-O-1091
2. 01-O-0722
3. 01-O-0855
4. 01-O-0890
5. 01-O-0891
6. 01-O-0980
7. 01-O-0924
8. 01-O-1086
9. 01-O-1090
10. 01-O-0731
11. 01-O-0917
12. 01-R-1013
13. 01-R-1014
14. 01-R-1015
15. 01-R-1016
16. 01-R-1007
17. 01-R-1009
18. 01-R-1012
19. 01-R-1005
20. 01-R-1006
21. 01-R-1011
22. 01-R-1109
23. 01-R-1017
24. 01-R-1077
25. 01-R-1080
26. 01-R-1019
27. 01-R-1020
28. 01-R-1021
29. 01-R-1022
30. 01-R-1023
31. 01-R-1024
32. 01-R-1025
33. 01-R-1026
34. 01-R-1027
35. 01-R-1028
36. 01-R-1107

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

37. 01-R-1029
38. 01-R-1030
39. 01-R-1031
40. 01-R-1032
41. 01-R-1033
42. 01-R-1034
43. 01-R-1035
44. 01-R-1036
45. 01-R-1037
46. 01-R-1038
47. 01-R-1039
48. 01-R-1040
49. 01-R-1044
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67. 01-R-1062
68. 01-R-1063
69. 01-R-1064
70. 01-R-1066
71. 01-R-1067
72. 01-R-1068

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

73. 01-R-1069
  74. 01-R-1070
  75. 01-R-1071
  76. 01-R-1072
  77. 01-R-1073
  78. 01-R-1104
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