

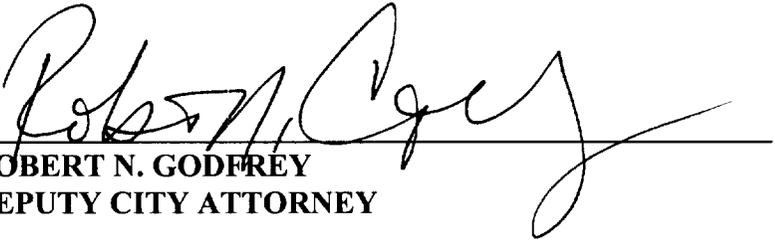
Entered - 02/04/02 - sb  
CL02L0088 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL AND PHYLLIS HYLAND,**  
through their attorney,  
**J. Todd Moore**  
**P. O. Box 129**  
**Franklin, Tennessee 37065-0129**

02-P-0539

For damages alleged to have been sustained as a result of personal injuries on January 3, 2002 at the Atlanta Airport.

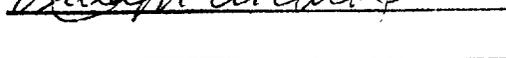
THIS ADVERSED REPORT IS APPROVED

BY:   
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

ADVERSED BY  
CITY COUNCIL APR 01 2002

**ADVERSED REPORT**

**PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

DATE: 3/26/02  
CHAIR:   
  
  
  


**CERTIFIED**  
APR 01 2002  
*Renee Swankin Adams*  
MUNICIPAL CLERK

**CERTIFIED**  
APR 1 2002  
*Clark Swankin Adams*  
COUNCIL PRESIDENT PROTEM



## 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

April 18, 2002

J. Todd Moore  
Attorney at Law  
P.O. Box 129  
Franklin, Tennessee 37065-0129

02-R-0539

RE: Michael & Phyliss Hyland

Dear Attorney Moore:

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 April 1, 2002. 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. 02L0088

Date: March 8, 2002

Claimant /Victim MICHAEL AND PHYLLIS HYLAND
BY: (Atty) J. Todd Moore
Address: P. O. Box 129, Franklin, Tennessee 37065-0129
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 01/28/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/03/02 Place: Atlanta Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that Michael Hyland suffered a heart attack while they were forced to remain on a Delta Airlines flight for several hours after it had landed due to inclement weather conditions at the airport. The investigation determined Delta Airlines has exclusive responsibility for passengers while they are in the airside area at the airport. The claim has been forwarded Delta Airlines and the claimants' 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 Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X 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 030802
Committee Action: Council Action



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**04/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

1. 02-O-0562
2. 02-O-0564
3. 02-O-0566
4. 02-O-0568
5. 02-O-0582
6. 02-O-0389
7. 02-O-0392
8. 02-O-0390
9. 02-O-0458
10. 02-O-0394
11. 02-O-0397
12. 02-O-0399
13. 02-O-0400
14. 02-O-0401
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