

Entered - 10/27/03 - sb  
CL03L0836 - DIANNE C. MITCHELL

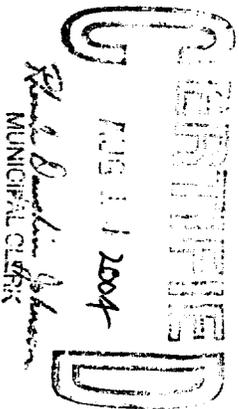
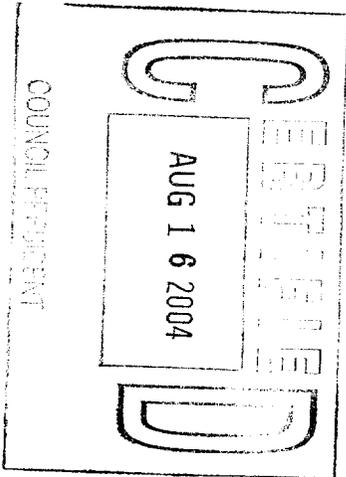
CLAIM OF: **SUSAN CONLEY,**  
through her attorney,  
**David C. Femminineo**  
110 South Main Street  
Mount Clemens, MI 48043

04-R -1340

For damages alleged to have been sustained as a result of personal injuries due to denial of handicap access on July 11, 2003 at Hartsfield- Jackson International Airport.

THIS ADVERSED REPORT IS APPROVED

BY: *Jerry L. DeLoach*  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**



ADVERSED  
JUL 16 2004

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/27/04

CHAIR: \_\_\_\_\_

*Clara Amislon*

*Vinell Mosley*

*Harold Norwood*

*Scott Martin*

\_\_\_\_\_

\_\_\_\_\_

**CORRECTED COPY**



**OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

August 30, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

David C. Femminineo  
Attorney at Law  
110 South Main Street  
Mount Clemens, MI 48043

**04-R-1340**

**RE: Susan Conley**

Dear Mr. Femminineo:

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 August 16, 2004. 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. 03L0836

Date: July 13, 2004

Claimant /Victim SUSAN CONLEY  
BY: (Atty) David C. Femminineo  
Address: 110 South Main Street, Mount Clemens, MI 48043  
Subrogation:          Claim for Property damage \$          Bodily Injury \$ Not Stated  
Date of Notice: 09/30/03 Method: Written, proper          X          Improper           
Conforms to Notice: O.C.G.A. §36-33-5          X          Ante Litem (6 Mo.)          X           
Date of Occurrence 07/11/03 Place: Hartsfield-Jackson International Airport  
Department Aviation Bureau:           
Employee involved          Disciplinary Action:         

NATURE OF CLAIM: The claimant alleges that the City was negligent in denying her handicap assistance in violation of the Americans with Disabilities Act. However, the investigation has determined that the City was not responsible for the allegations made by the claimant, but that Delta Airlines was responsible for providing the claimant with the assistance she requested. The claimant's attorney has been advised to pursue this claim directly against Delta Airlines.

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         

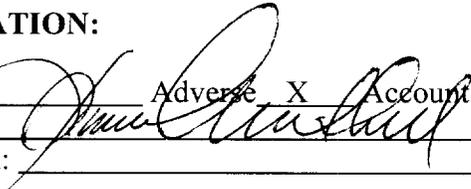
BASIS OF RECOMMENDATION:

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,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$          Adverse          X          Account charged: 1A01          2J01          2H01          2P01           
Claims Manager:  Concur/date 07/13/04  
Committee Action:          Council Action

RCS# 5937  
8/16/04  
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-14 EXCEPT:04-R-1339  
04-R-1391  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		8-16-4 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 04-O-1375	41. 04-R-1317	59. 04-R-1336
2. 04-O-1206	42. 04-R-1400	60. 04-R-1337
3. 04-O-1209	43. 04-R-1320	61. 04-R-1338
4. 04-O-1354	44. 04-R-1321	62. 04-R-1340
5. 04-O-1357	45. 04-R-1322	63. 04-R-1341
6. 04-O-1366	46. 04-R-1323	64. 04-R-1342
7. 04-O-0437	47. 04-R-1324	65. 04-R-1343
8. 04-O-1350	48. 04-R-1325	66. 04-R-1344
9. 04-O-1351	49. 04-R-1326	67. 04-R-1345
10. 04-O-1368	50. 04-R-1327	68. 04-R-1346
11. 04-O-1247	51. 04-R-1328	69. 04-R-1347
12. 04-O-1221	52. 04-R-1329	70. 04-R-1348
13. 04-R-1372	53. 04-R-1330	
14. 04-R-1273	54. 04-R-1331	
15. 04-R-1388	55. 04-R-1332	
16. 04-R-1402	56. 04-R-1333	
17. 04-R-1403	57. 04-R-1334	
18. 04-R-1404	58. 04-R-1335	
19. 04-R-1304		
20. 04-R-1392		
21. 04-R-1393		
22. 04-R-1394		
23. 04-R-1395		
24. 04-R-1396		
25. 04-R-1397		
26. 04-R-1398		
27. 04-R-1355		
28. 04-R-1356		
29. 04-R-1373		
30. 04-R-1308		
31. 04-R-1309		
32. 04-R-1310		
33. 04-R-1311		
34. 04-R-1349		
35. 04-R-1367		
36. 04-R-1370		
37. 04-R-1312		
38. 04-R-1313		
39. 04-R-1315		
40. 04-R-1316		