

05-R -1179

Entered - 03/09/05 - sb
CL05L0169 - DIANNE C. MITCHELL

JUL 05 2005

CLAIM OF: **MADLINE DANIELSON**, a minor, b/n/f
Bjorn and Chris Danielson,
Through their attorney,
Arnold E. Gardner
Suite 425
3445 Peachtree Road, NE
Atlanta, Georgia 30326

For damages alleged to have been sustained as a result of
an injury on the escalator on Concourse B on September 6,
2004 at the Hartsfield-Jackson Atlanta International
Airport.

THIS ADVERSED REPORT IS APPROVED

JUL 05 2005
Municipal Clerk
Dianne C. Mitchell

BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 6/28/05
CHAIR: Clara Henderson
Hart Shind
C. T. Martin
Jeanne M. Shepard
Mary Norwood

ADVERSED BY
CITY COUNCIL

JUL 05 2005



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK
July 12, 2005

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

Arnold E. Gardner
Attorney at Law
3445 Peachtree Rd., NE
Suite 425
Atlanta, GA 30326

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

05-R-1179

RE: Madeline Danielson , a minor, b/n/f
Bjorn and Chris Danielson

Dear Attorney Gardner:

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 05, 2005. 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. 05L0169

Date: June 10, 2005

Claimant /Victim MADELINE DANIELSON, a minor, b/n/f Bjorn and Chris Danielson
BY:(Atty) Arnold E. Gardner
Address: Suite 425, 3445 Peachtree Road, NE, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 03/03/05 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/06/04 Place: Hartsfield-Jackson Atlanta International Airport
Department Aviation Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM:

INVESTIGATION: The claimant, a minor, through her attorney, alleges that she was injured when was caught between the side of the escalator and the step. This claim has been forwarded to the City's insurance carrier, AIG Aviation for handling. AIG Aviation has also notified the escalator maintenance contractor of this claim and is seeking potential contribution from them on any settlement made in this claim.

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,

[Handwritten Signature]
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager: [Handwritten Signature] Concur/date 06/14/05
Committee Action: Council Action

RCS# 6810
7/05/05
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 5-19 EXCEPT 05-R-1140

ADOPT

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

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

CONSENT I

7/05/05

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 05-O-1198	31. 05-R-1142	43. 05-R-1153
2. 05-O-1071	32. 05-R-1143	44. 05-R-1154
3. 05-O-1050	33. 05-R-1144	45. 05-R-1155
4. 05-O-1051	34. 05-R-1145	46. 05-R-1156
5. 05-O-1206	35. 05-R-1146	47. 05-R-1157
6. 04-O-1364	36. 05-R-1147	48. 05-R-1158
7. 05-O-1058	37. 05-R-1148	49. 05-R-1159
8. 05-O-1059	38. 05-R-1149	50. 05-R-1160
9. 05-O-1083	39. 05-R-1150	51. 05-R-1161
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11. 05-R-0113	41. 05-R-1152	53. 05-R-1163
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19. 05-R-1139		61. 05-R-1171
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		78. 05-R-1188
		79. 05-R-1189
		80. 05-R-1190
		81. 05-R-1191