

Entered - 11-25-09 sb  
CL 09L0927- GWENDOLYN BURNS

10- R -0200

**CLAIM OF: NELU MCDOWELL, THROUGH HER ATTORNEY,  
MICHAEL G. REGAS, II, ESQ.  
HOUCK, ILARDI & REGAS LLC  
Two Ravinia Drive, Suite 800  
Atlanta, Georgia 30346**

FEB 01 2010

For bodily injuries alleged to have been sustained from a slip-and-fall incident on June 10, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

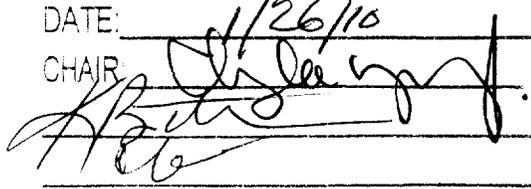


### ADVERSE REPORT

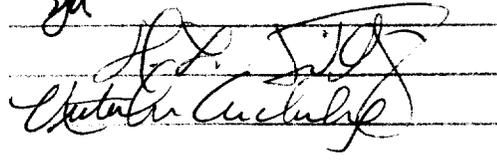
PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/26/10

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



\_\_\_\_\_



ADVERSED BY  
CITY COUNCIL

FEB 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

February 9, 2010

Mr. Michael G. Regas, II, Esquire  
Houck, Ilardi & Regas LLC  
Two Ravinia Drive, Suite 800  
Atlanta, Georgia 30346

**10-R-0200**

RE: Nelu McDowell

Dear Mr. Regas,

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 February 1, 2010. 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. 09L0927

Date: December 15, 2009

Claimant /Victim NELU MCDOWELL
BY: (Atty) (Ins. Co.) Michael G. Regas II, Esq., HOUCK, ILARDI & REGAS LLC
Address: Two Ravinia Drive, Suite 800, Atlanta, Georgia 30346
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 11/24/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/10/09 Place: 8700 Spine Road, Hartsfield-Jackson Atlanta International Airport
Department AVIATION Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she was injured when she slipped on a slick floor at the airport. However, the claim has forwarded to the City's insurance carrier AIG Aviation for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
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 Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. X Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: Concur/date 01/07/10
Committee Action: Council Action

**HR** HOUCK, ILARDI & REGAS LLC  
— Trial Lawyers —

**Michael G. Regas II**  
Direct Dial: 770.392.6085  
E-mail: mike@hirlaw.com  
Web: www.hirlaw.com

Two Ravinia Drive • Suite 800  
Atlanta, Georgia 30346  
Main: 770.392.6080  
Fax: 770.392.6083

ENTERED - 11-25-09 - SB  
09L0927 - G. BURNS

November 23, 2009

**VIA CERTIFIED MAIL/ RETURN RECEIPT REQUESTED,**  
**HAND DELIVERY and FACSIMILE (404) 658-6273**

Atlanta City Council  
Municipal Clerk  
City Hall, Suite 2700  
55 Trinity Avenue, SW  
Atlanta, GA 30303-3535

**VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED,**  
**HAND DELIVERY and FACSIMILE (404) 658-7082**

Ms. Dianne Mitchell, Claims Manager  
City of Atlanta Law Department  
68 Mitchell Street, SW  
Suite 4100  
Atlanta, GA 30303-3522

**VIA CERTIFIED MAIL / RETURN RECEIPT REQUESTED**  
**and HAND DELIVERY**

Kim A. Vagher, Registered Agent for Service  
Atlanta Airlines Terminal Corporation  
6000 North Terminal Parkway  
Atlanta, GA 30320

**RE: Nelu McDowell**  
**Date of Incident: 6/10/09**

Dear Sirs/Madams:

Please be advised that the undersigned have been retained to investigate certain injuries sustained by Ms. Nelu McDowell when she slipped on a slick floor at the Hartsfield-Jackson Atlanta International Airport on June, 10, 2009.

BURNS  
11/24/09  

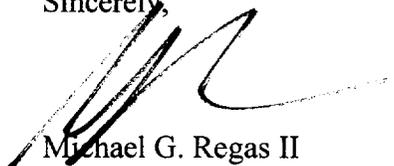

While our investigation into this matter is still ongoing, it is contended, upon information and belief, that this injury to Ms. McDowell was caused in whole or in part by the negligence and/or intentional acts of officers, agents, employees, servants or independent contractors of the City of Atlanta. In particular, it is contended that the City of Atlanta is liable for the injury to Ms. McDowell for medical expenses and loss of services in the following particulars:

- (a) negligent maintenance, inspection and/or repair at of the floors located in the Hartsfield-Jackson Atlanta International Airport;
- (b) negligent failure to keep the premises safe for invitees upon the property and for failure to maintain a safe operating condition;
- (c) failure by the City and its agents, employees, independent contractors or servants to fulfill its responsibility of extraordinary care with regard to individuals traveling on their property or under their control;
- (d) the City as well may be liable for negligent retention or hiring of officers, employees, agents, servants and/or independent contractors who were responsible for the maintenance and safety of persons at the Hartsfield-Jackson Atlanta International Airport;
- (e) the City as well may be liable under the theory of nuisance on the basis that it knew of insufficient maintenance and safety procedures for the Hartsfield-Jackson Atlanta International Airport and/or knew of a defective or dangerous condition.

Ms. McDowell's injuries include a rotator cuff injury to her left shoulder and a traumatic "baker's cyst" with chondromalacia of her left knee. As noted above, an investigation into this matter is ongoing and the above particulars are not intended by any means to include all potential allegations of negligent and/or intentional acts on the part of the City of Atlanta or its officers, agents, employees, servants and/or independent contractors.

Please accept this letter as presentment of Ante-Litem Notice to the City of Atlanta pursuant to the requirements of O.C.G.A. § 36-33-5. Please advise immediately if you contend or believe that this notice needs to be sent to any other appropriate representative of the City of Atlanta, Atlanta Airlines Terminal Corporation or other appropriate entity. Otherwise, it will be assumed that this notice complies in all respects with applicable law.

Sincerely,



Michael G. Regas II

cc: Nelu McDowell

RCS# 42  
2/01/10  
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

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

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>	<b>02-01-10 ITEMS ADVERSED ON CONSENT</b>
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		