

Entered - 12-09-09 sb
CL 09L0975- GWENDOLYN BURNS

CLAIM OF: SARAH GOOLEY, THROUGH HER
ATTORNEY,
MARC S. SEDWICK, ESQ.
TRIAL LAWYER
230 East Ohio Street
Suite 100
Indianapolis, Indiana 46204-2149

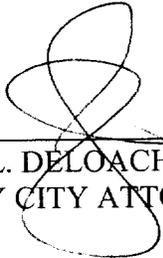
FEB 01 2010

For bodily injuries alleged to have been sustained from a slip-and-fall incident on June 16, 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 SAFTEY &
LEGAL ADMINISTRATION COMMITTEE

DATE 1/26/10

CHAIR [Signature]

[Signature]

ADVERSED BY
CITY OF INDIANAPOLIS
FEB 01 2010

ADVERSED BY
CITY OF INDIANAPOLIS
FEB 01 2010



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

February 9, 2010

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

Mr. Marc S. Sedwick, Esquire
Trial Lawyer
230 East Ohio Street
Suite 100
Indianapolis, Indiana 46204-2149

10-R-0202

RE: Sara Gooley

Dear Mr. Sedwick

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. 09L0975

Date: December 30, 2009

Claimant /Victim SARAH GOOLEY
BY: (Atty) (Ins. Co.) MARC S. SEDWICK, ESQ.
Address: 230 East Ohio Street, Suite 100, Indianapolis, Indiana 46204
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 12/4/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 6/16/09 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 and fell on the floor in the food court 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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 1/7/10
Committee Action: Council Action

RECEIVED
OFFICE OF
MUNICIPAL CLERK

2009 DEC -4 PM 3:41

ENTERED - 12-9-09 - SB
09L0975 - G. BURNS

December 3, 2009

BURNS
12/07/09


BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Atlanta Mayor Shirley Franklin
City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30303

ANTE LITEM NOTICE OF CLAIMS

RE: Claimant: Sarah Gooley
Date of Accident: June 16, 2009
Location: Hartsfield Jackson International Airport, Atlanta,
Fulton County, Georgia
Claims: Personal Injuries
Subject: Ante Litem Notice of Claims

Dear Ms. Johnson:

Please be advised that the undersigned has been retained to represent the interests of Ms. Sara Gooley in her claim for personal injuries as a result of the above-referenced incident which occurred at Hartsfield Jackson International Airport (hereafter "the Airport") on or about June 16, 2009. Ms. Gooley intends to file a claim and/or civil action for damages against the City of Atlanta and others in connection with the injuries she sustained from a fall in a food court at the Airport on or about June 16, 2009.

Please allow this correspondence to serve as our formal ante litem notice, in accordance with the provisions of O.C.G.A. ' 36-33-5, of my client=s claim for damages against the City of Atlanta, and any and all other officers, employees, agencies or entities who may have been involved in causing the injuries to Ms. Gooley. Although the investigation of this loss is not yet complete, the claims arise, *inter alia*, from the negligent maintenance, inspection, warnings and clean up of the food court at the Airport.

On June 16, 2009, Ms. Gooley went to a food court in the Airport. As she was walking in the food court, she slipped and fell in water that was negligently left lying on the floor. There were no signs warning Ms. Gooley that the floor was wet. Mr. Gooley landed on her right side

Ante Litem Notice of Claims

December 4, 2009

Page 2

which caused her low back, right wrist/arm, and right knee/leg injuries. Due to the fall, the leads in Ms. Gooley=s neurostimulator were dislodged which required surgery. Ms. Gooley is further going through physical therapy to deal with her right wrist/arm pain, as she pulled ligaments in her right arm due to the fall. Ms. Gooley made an incident report with Mr. George Harkins who, upon information and belief, is either an employee or agent of the Airport. This incident was memorialized by way of case number 091678015. The damages incurred include, but are not limited to, medical expenses, pain and suffering, lost wages, and any and all other damages as permitted under Georgia law as determined by the enlightened conscience of a jury, but in an amount likely to exceed \$750,000.00.

If you contend this letter does not provide you with sufficient notice pursuant to O.C.G.A. ' 36-33-5, or comply with said statute, please advise me immediately. Please accept this as a request for all insurance information that may cover any aspect of these claims.

Additionally, pursuant to the Georgia Open Records Act, I am requesting that you provide me with the names of all persons and entities involved in cleaning, maintaining or inspecting the food court area in which Mr. Gooley fell on the date of the incident, and allow me to inspect and copy any contracts between the City of Atlanta and/or any contractor or subcontractor whose responsibility it was to correctly clean, maintain and inspect the food court areas at the Airport. I am notifying the City Attorney and all City Council Members of this notice by copy of this letter.

Should you have any questions, please do not hesitate to contact me directly. Thank you in advance for your anticipated cooperation.

Sincerely,

SEDWICK LAW FIRM., P.C.

By: _____
Marc Sedwick, Esq.

MSS/tld

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

		02-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
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		