

Entered - 7-17-09 sb  
CL 09L0511- GWENDOLYN BURNS

10- R -0270

**CLAIM OF: JO D. WILSON**  
**THROUGH HER ATTORNEY**  
**W. SEABORN JONES, ESQ.**  
**OWEN, GLEATON, EGAN, JONES**  
**& SWEENEY, LLP**  
1230 Peachtree Street, NE  
Suite 1400  
Atlanta, Georgia 30309-3574

FEB 15 2010

For bodily injuries alleged to have been sustained from an automobile accident on January 11, 2009 at 2575 Peachtree Road & Lakeview Road.

THIS ADVERSED REPORT IS APPROVED

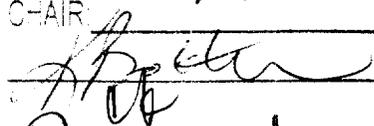
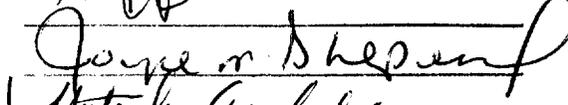
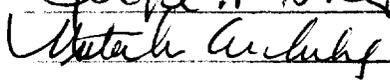
BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE 2/9/10

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

  
\_\_\_\_\_  
  
  
\_\_\_\_\_  
\_\_\_\_\_

FEB 15 2010 FEB 15 2010

ADVERSE REPORT



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

February 25, 2010

55 TRINITY AVENUE, S.W.  
SUITE 2700  
ATLANTA, GEORGIA 30303  
Main (404) 330-6033  
Fax (404) 658-6103  
Email [municipalclerk@atlantaga.gov](mailto:municipalclerk@atlantaga.gov)

W. Seaborn Jones, Esquire  
Owen, Gleaton, Egan, Jones & Sweeney, LLP  
1230 Peachtree Street NE  
Atlanta Georgia 30309

**10-R-0270**

RE: JO D. Wilson

Dear Mr. Jones

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 15, 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,

A handwritten signature in black ink that reads "Rhonda Dauphin Johnson".

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0511

Date: January 12, 2010

Claimant /Victim JO D. WILSON
BY: (Atty) (Ins. Co.) W. Seaborn Jones, Esq., Owen, Gleaton, Egan, Jones & Sweeney, LLP
Address: 1230 Peachtree Street, NE, Suite 1400, Atlanta, Georgia 30309-3574
Subrogation: Claim for Property damage \$ Bodily Injury \$ undetermined
Date of Notice: 7/9/09 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/11/09 Place: 2575 Peachtree Road, NE & Lakeview Road, NE
Department POLICE Bureau: Office:
Employee involved Reginald Pettis Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained bodily injuries when the vehicle in which she travelled in was struck by the driver of a City vehicle. However, an investigation determined that the driver of the vehicle in which the claimant travelled was cited for "failure to yield while turning left" and "DUI".

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police X Dept Report X Other X
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,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Manager: [Signature] Concur/date 01/27/10
Committee Action: Council Action

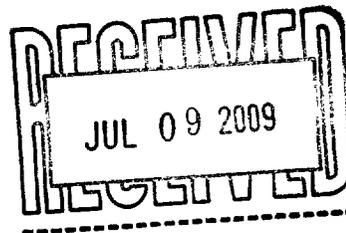
**OWEN, GLEATON, EGAN,  
JONES & SWEENEY, LLP**  
ATTORNEYS AT LAW

W. Seaborn Jones  
jones@og-law.com  
www.og-law.com

1230 PEACHTREE STREET, N.E., SUITE 1400  
ATLANTA, GEORGIA 30309-3574  
TELEPHONE (404) 688-2600  
TELECOPIER (404) 525-4347

ENTERED - 7-17-09 - SB  
09L0511 - G. BURNS

July 9, 2009



**VIA SAME DAY HAND DELIVERY**

The Honorable Shirley Franklin  
Mayor, City of Atlanta  
55 Trinity Avenue, Suite 2400  
Atlanta, Georgia 30303

The Honorable Lisa M. Borders  
President, City Council of Atlanta  
55 Trinity Avenue, Suite 2900  
Atlanta, Georgia 30303

The Honorable Roger Bhandari  
Acting City Attorney, City of Atlanta  
68 Mitchell Street, Suite 4100  
Atlanta, Georgia 30303

RE: Name: Ms. Jo D. Wilson  
Date of Injury: January 11, 2009  
O.C.G.A. § 36-33-5 demand/notice

This firm represents Ms. Jo D. Wilson. Notice is being given pursuant to O.C.G.A. § 36-33-5 as well as all other applicable notice provisions. Ms. Wilson was severely injured when the vehicle in which she was a passenger was struck by a vehicle owned or controlled by the City of Atlanta and driven by Atlanta Police Officer Reginald Pettis. That collision occurred on January 11, 2009 on Peachtree Road, N.E. at its intersection with Lakeview Road in the City of Atlanta as the result of Officer Pettis operating his vehicle negligently and without due regard for the safety of the occupants of other motor vehicles in his vicinity. He was exceeding the applicable speed limit and did not activate his siren and emergency blue lights appropriately. Incorporated by reference is the Motor Vehicle Accident Report attached hereto.

As a result of the accident, Ms. Wilson, a backseat passenger in a vehicle operated by Michael S. Rice, was severely injured and hospitalized in Grady Memorial Hospital. Her injuries included head/scalp/facial injuries, a broken clavical, fractured ribs and injury to her cervical spine which required fusion. At present, Ms. Wilson has no memory from the time of her accident until some period of time after the accident, but does know that she spent time in a rehabilitation facility after her discharge from Grady Hospital.

The Honorable Shirley Franklin  
The Honorable Lisa M. Borders  
The Honorable Roger Bhandari  
July 9, 2009  
Page Two

Ms. Wilson is still seeing doctors for injuries suffered in the accident and has a recurring problem with headaches and dizziness. While she was completely independent before this accident, her driving and other activities are now limited. We have not yet been able to obtain copies of her medical records, but will be doing that in the near future and will provide you with those records by supplementing this notice. Because we have not yet obtained those records or had the opportunity to consult with any of her treating physicians, we cannot make a specific demand now but would estimate that her damages are at least \$500,000.00 and would consider an offer in that amount. You are being put on notice of an intended suit regarding this claim.

I will be happy to answer any questions. Any further inquiries may be directed to me at the above address.

Very truly yours,

**OWEN, GLEATON, EGAN,  
JONES & SWEENEY, LLP**

  
W. Seaborn Jones

WSJ/mkb  
Enclosures

RCS# 70  
2/15/10  
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

		02-15-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0163	36. 10-R-0160	53. 10-R-0260
2. 10-O-0167	37. 10-R-0244	54. 10-R-0261
3. 10-O-0229	38. 10-R-0245	55. 10-R-0262
4. 10-O-0317	39. 10-R-0246	56. 10-R-0263
5. 10-O-0153	40. 10-R-0247	57. 10-R-0264
6. 10-O-0154	41. 10-R-0248	58. 10-R-0265
7. 10-O-0155	42. 10-R-0249	59. 10-R-0266
8. 10-O-0156	43. 10-R-0250	60. 10-R-0267
9. 10-O-0158	44. 10-R-0251	61. 10-R-0268
10. 10-O-0159	45. 10-R-0252	62. 10-R-0269
11. 10-O-0157	46. 10-R-0253	63. 10-R-0270
12. 10-R-0242	47. 10-R-0254	64. 10-R-0271
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14. 10-R-0124	49. 10-R-0256	66. 10-R-0273
15. 10-R-0282	50. 10-R-0257	67. 10-R-0274
16. 10-R-0283	51. 10-R-0258	
17. 10-R-0284	52. 10-R-0259	
19. 10-R-0285		
20. 10-R-0286		
21. 10-R-0287		
22. 10-R-0295		
23. 10-R-0299		
24. 10-R-0300		
25. 10-R-0301		
26. 10-R-0302		
27. 10-R-0233		
28. 10-R-0234		
29. 10-R-0235		
30. 10-R-0236		
31. 10-R-0237		
32. 10-R-0238		
33. 10-R-0239		
34. 10-R-0240		
35. 10-R-0316		