

13-R-3039

Entered - 3-6-13 sb  
CL 13L0107 - DOA/NA - GWENDOLYN BURNS

**CLAIM OF: JO CUDNIK**  
**THROUGH HER ATTORNEY**  
**THE STRICKLAND FIRM**  
191 Roswell Street  
Marietta, GA 30060

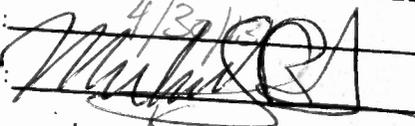
For bodily injuries alleged to have been sustained from a slip-and-fall incident on August 19, 2012 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

THIS ADVERSED REPORT IS APPROVED

BY:   
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY

**ADVERSE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/30/13  
CHAIR: 




ADVERSED BY  
CITY COUNCIL  
MAY 06 2013



CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

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)

May 13, 2013

Jo Cudnik  
c/o The Strickland Firm  
191 Roswell Street  
Marietta, Georgia 30060

**13-R-3039**

Dear Ms. Cudnik:

I sincerely regret that you have been adversely affected by the circumstances raised in your 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 claim at its regular meeting on May 3, 2013.

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.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 13L0107

Date: March 29, 2013

Claimant /Victim JO CUDNIK
BY: (Atty) (Ins. Co.) THE STRICKLAND FIRM
Address: 191 Roswell Street, Marietta, Georgia 30060
Subrogation: Claim for Property damage \$ Bodily Injury \$ undetermined
Date of Notice: 2/18/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/19/12 Place: 8700 Spine Road, Hartsfield-Jackson Atlanta International Airport
Department AVIATION Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges bodily injury sustained when she slipped and fell on a wet floor at the airport. The claim has been forwarded to the City's insurance carrier, ACE USA Claims, Inc., for resolution.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral X
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,

[Handwritten signature of Gwendolyn Burns]

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 4/8/13
Deputy City Attorney: Concur/date
Committee Action: Council Action



THE  
**STRICKLAND**

FIRM

ENTERED - 3-6-13 - SB  
13L0107 - G. BURNS

*Burns*  
2/28/13  
*JB*

February 14, 2013

**VIA CERTIFIED U.S. MAIL,  
RETURN RECEIPT REQUESTED**

Hon. Kasim Reed,  
Mayor, City of Atlanta  
55 Trinity Avenue  
Atlanta, Georgia 30303

RECEIVED  
FEB 25 2013

RECEIVED  
FEB 18 2013  
OFFICE OF THE COUNCIL PRESIDENT

RECEIVED

FEB 20 2013

CITY OF ATLANTA  
DEPT OF LAW

*New Airport*  
**VIA CERTIFIED U.S. MAIL,  
RETURN RECEIPT REQUESTED**

Atlanta City Council  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

**RE: O.C.G.A. § 36-33-5 Presentment of Claim**

**Claimants:** Jo Cudnik

**Date of Injury:** August 19, 2012

**Extent of Injury:** soft tissue, potential fracture of left knee; chronic radiating low back pain; chronic neck pain; chronic shoulder pain

**Municipal Entities:** City of Atlanta ("the City")

**Location of Incident:** Hartsfield-Jackson Atlanta International Airport ("the Airport"); just outside of public restrooms in terminal

Dear Sir/Madam:

This firm represents the above-named claimants for serious injuries she sustained after falling from a wet floor at the Airport. Based on the fact that there was a wet floor sign present, the City's agents and/or employees had actual knowledge of the foreign substance on the floor. However, the sign was so far away from the spill that Ms. Cudnik did not see it until after her injury. Further, the sign was located so far on the opposite side of the spill that Ms. Cudnik could not have seen it prior to her injury. As a result, the City's actual knowledge of the spill and failure to warn Ms. Cudnik thereof makes the City liable for Ms. Cudnik's injury and damages.

191 ROSWELL STREET  
MARIETTA, GA 30060

PHONE (678) 909-2530  
E-MAIL ryan@thestracklandfirm.com

Based upon information and belief, the Airport is owned/operated by the City. As Ms. Cudnik was lawfully on the premises, the City and/or its employees or agents had a duty to warn, and in fact failed to warn Ms. Cudnik of the risk of this injury. Further, the City and/or its employees or agents had a duty to take steps to prevent this type of injury, and in fact failed to do so resulting in Ms. Cudnik's injury. My client is accordingly entitled to recover damages from the above-referenced entities, along with any other responsible individuals, for their negligence, negligent supervision, entrustment, training, and for any and all other remedies or causes of action available to them under law. This letter will serve as notice and presentment of our clients' claims pursuant to O.C.G.A. § 36-33-5 and any other potentially applicable statute, rule or regulation requiring notice to you.

As the long-term consequences of Ms. Cudnik's injuries are not presently known, it is difficult to state an amount of damages at this time. She has not yet completed her medical treatment for the injuries sustained from this incident. However, we believe the damages at issue are significant and worth at least one million dollars.

Please let me know whether you deem this Presentment of Claim to be insufficient in any way, and I will provide you with any additional requested information as possible. We also ask that you provide us with any information regarding any applicable insurance policies maintained by the City or the Airport that would provide coverage for this incident. This request is made pursuant to O.C.G.A. § 36-33-5 and any other applicable statutes that require the disclosure of such information. This presentment will remain open for discussion for at least thirty (30) days, during which time our office will cooperate to provide the City with any available information necessary to adjust this claim.

Please feel free to contact me should you wish to resolve this matter or discuss it further.

**THE STRICKLAND FIRM**



**RYAN T. STRICKLAND**

RCS# 2666  
5/06/13  
3:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS  
EXCEPT 13-O-0638  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

+

		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0599	40. 13-R-3103	77. 13-R-3043
2. 13-O-0629	41. 13-R-3104	78. 13-R-3044
3. 13-O-0643	42. 13-R-3085	79. 13-R-3045
4. 13-O-0119	43. 13-R-3086	80. 13-R-3046
5. 13-O-0632	44. 13-R-3087	81. 13-R-3047
6. 13-O-0639	45. 13-R-3088	82. 13-R-3048
7. 13-O-0638	46. 13-R-3089	83. 13-R-3049
8. 13-O-0640	47. 13-R-3090	84. 13-R-3050
9. 13-O-0648	48. 13-R-3014	85. 13-R-3051
10. 13-O-0592	49. 13-R-3015	86. 13-R-3052
11. 13-O-0628	50. 13-R-3016	87. 13-R-3053
12. 13-O-0630	51. 13-R-3017	88. 13-R-3054
13. 13-R-3091	52. 13-R-3018	89. 13-R-3055
14. 13-R-3092	53. 13-R-3019	90. 13-R-3056
15. 13-R-3094	54. 13-R-3020	91. 13-R-3057
16. 13-R-3095	55. 13-R-3021	92. 13-R-3058
17. 13-R-3096	56. 13-R-3022	93. 13-R-3059
18. 13-R-3097	57. 13-R-3023	94. 13-R-3060
19. 13-R-3093	58. 13-R-3024	95. 13-R-3061
20. 13-R-3098	59. 13-R-3025	96. 13-R-3062
21. 13-R-3100	60. 13-R-3026	97. 13-R-3063
22. 13-R-3101	61. 13-R-3027	98. 13-R-3064
23. 13-R-3106	62. 13-R-3028	99. 13-R-3065
24. 13-R-3003	63. 13-R-3029	100. 13-R-3066
25. 13-R-3004	64. 13-R-3030	101. 13-R-3067
26. 13-R-3005	65. 13-R-3031	102. 13-R-3068
27. 13-R-3006	66. 13-R-3032	103. 13-R-3069
28. 13-R-3007	67. 13-R-3033	104. 13-R-3070
29. 13-R-3008	<b>ITEMS ADVERSED ON CONSENT</b>	105. 13-R-3071
30. 13-R-3009	68. 13-R-3034	106. 13-R-3072
31. 13-R-3010	69. 13-R-3035	107. 13-R-3073
32. 13-R-3011	70. 13-R-3036	108. 13-R-3074
33. 13-R-3013	71. 13-R-3037	109. 13-R-3075
34. 13-R-3000	72. 13-R-3038	110. 13-R-3076
35. 13-R-3001	73. 13-R-3039	111. 13-R-3077
36. 13-R-3002	74. 13-R-3040	112. 13-R-3078
37. 13-R-3083	75. 13-R-3041	113. 13-R-3079
38. 13-R-3084	76. 13-R-3042	114. 13-R-3080
39. 13-R-3102		115. 13-R-3081
		116. 13-R-3082