

13-R-3040

Entered - 3/13/12 - sb
CL - 12L0204 - DPW/12 - Angelena Kelly

Claim of: Theodore Brown
Through his attorney Steve Cuzdey
3775 Mansell Road
Alpharetta, GA 30022

For bodily injury allegedly sustained as a result of a vehicular accident on February 1, 2012 at 1959 Metropolitan Parkway.

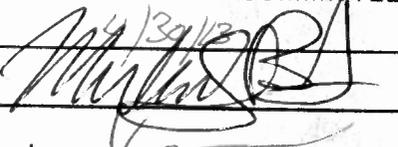
THIS ADVERSED REPORT IS APPROVED

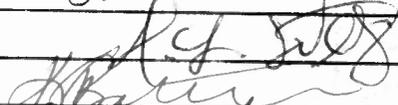
BY: 
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

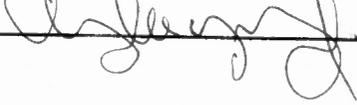
ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/30/12

CHAIR: 







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

May 13, 2013

Theodore Brown
c/o Attorney Steve Cuzdey
3775 Mansell Road
Alpharetta, Georgia 30022

13-R-3040

Dear Mr. Brown:

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. 12L0204

Date: March 21, 2013

Claimant /Victim: Theodore Brown

BY: (Atty) (Ins. Co.) Cuzdey, Ehrmann, Wagner, Stine, Sansalone & Bobe, LLC

Address: 3775 Mansell Road, Alpharetta, GA 30022

Subrogation: Claim for Property damage \$ Bodily Injury \$ 645,000.00

Date of Notice: 3/6/12 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 2/1/12 Place: 1959 Metropolitan Parkway

Department: Public Works Bureau: Office: Fleet Services

Employee involved: Sparrow, Alex Disciplinary Action: None

NATURE OF CLAIM: The claimant alleges bodily injury sustained when the driver of a city vehicle struck his vehicle. The claimant has filed a lawsuit to resolve the allegations of his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written X Oral

Pictures X Diagrams X Reports: Police X Dept Report X 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 - A. KELLY

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation

Claims Director/Manager: [Signature] Concur/date 3/27/13

Deputy City Attorney: Concur/date

Committee Action: Council Action

**CUZDEY, EHRMANN, WAGNER,
STINE, SANSALONE & BOBE, LLC**

Kelley
3/12/12
MB

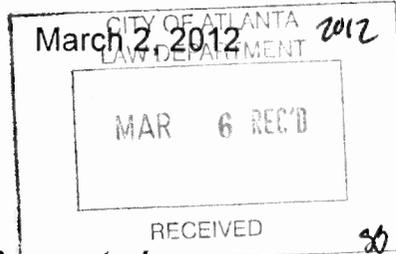
ATTORNEYS AT LAW
3775 MANSELL ROAD
ALPHARETTA, GEORGIA 30022
PHONE (404) 325-2300
FAX (404) 325-7302
www.LCE-law.com

ENTERED - 3-13-12 - SB
12L0204 - A. KELLY

MICHAEL O'HAGAN
NICHOLAS BENZINE
MICHELLE I. COOPER
T. ANDREW MILLER
MATTHEW L. WAGNER
JASON B. MOSTELLER
CHRISTOPHER K. GIFFORD
NICHOLAS KIELLA
WESLEY B. McDANIEL, III
◊ Also admitted in Maryland and D.C.
* Also admitted in Florida
† Also admitted in New York

CALDER D. EHRMANN, III
S. GREGORY WAGNER
R. ZON STINE
THOMAS J. SANSALONE
GLENN B. BOBE
MICHAEL D. THORPE
FREDERICK J. CONKLIN, JR.*
NICHOLAS M. HOLLANDER◊
JEFFREY S. SNELL†
HEATHER D. FROY*

of counsel:
STEPHEN L. CUZDEY
STANLEY A. COBURN



Certified Mail - Return Receipt Requested

Mayor Kasim Reed
City of Atlanta Mayor's Office
55 Trinity Avenue SW, Suite 2400
Atlanta, Georgia 30303

RECEIVED

MAR 05 2012

BY MB

Certified Mail - Return Receipt Requested

Cathy Hampton, Esquire
City Attorney, City of Atlanta
Department of Law
City Hall Tower, Suite 4100
68 Mitchell Street, S.W.
Atlanta, Georgia 30303-3520

Certified Mail - Return Receipt Requested

Rhonda Johnson, Municipal Clerk
Council of the City of Atlanta
City Hall
2nd Floor East, Suite 2700
55 Trinity Avenue, S.W.
Atlanta, Georgia 30303

Re: **Ante Litem Notice**
Theodore Brown vs. Alex Sparrow and City of Atlanta;
Date of Loss: 02/01/2012

Dear Sir or Madam:

Please be advised that our law firm has been retained to represent Theodore A. Brown in regard to his claim for injuries against Alex Sparrow and the City of Atlanta arising out of a motor vehicle accident at the intersection of Metropolitan Parkway, S.W. and St. John Avenue on February 1, 2012.

On February 1, 2012, a City of Atlanta employee, Alex Sparrow, driving a City of Atlanta vehicle, failed to yield the right of way to my client causing a serious motor vehicle accident. Alex Sparrow negligently operated the City of Atlanta vehicle in the course and scope of his employment for the City and caused serious bodily injuries to my client that required emergency transportation via ambulance to Grady Memorial Hospital where Mr. Brown was admitted to the Intensive Care Unit with internal injuries and bruising to his lungs. I enclose a copy of the police report for your convenience.

While the extent, nature and severity of all injuries are not fully known at this time, Mr. Brown also sustained significant injuries to his neck and back necessitating treatment with an orthopaedic surgeon, Dr. James Chappuis.

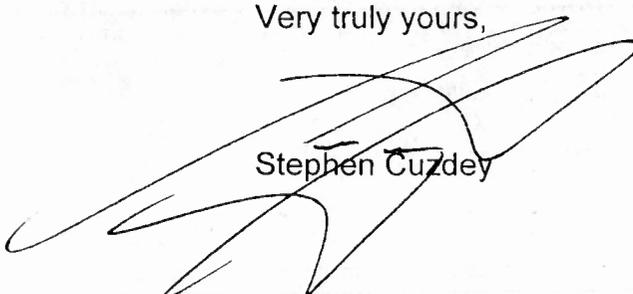
Please also be informed that Mr. Brown further sustained damage to his motor vehicle, a 2001 Nissan Altima in excess of \$5,000.00.

The purpose of this letter is to comply with any and all ante litem notice requirements under Georgia law, including those pursuant to O.C.G.A. § 36-33-5(b). As counsel for Theodore A. Brown, I am presenting his claims for general and special damages, both past and future, including but not limited to medical expenses, permanent disability, pain and suffering, property damage and any other damages allowed under Georgia law within the six-month period required by statute.

While our investigation is still ongoing, we believe that the value of Mr. Brown's claims may clearly exceed \$50,000.00.

If you contend that this letter does not provide sufficient notice, pursuant to O.C.G.A. § 36-33-5, or comply with said statute, please advise me in writing immediately and we will correct any deficiencies.

Very truly yours,



Stephen Cuzdey

SC:prm

Enclosures

cc: Mr. Theodore Brown

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

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		05-06-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE 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	ITEMS ADVERSE ON CONSENT	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