

Entered - 2-11-13 sb  
CL 13L0057 - DOA/NA - GWENDOLYN BURNS

CLAIM OF: ALVA BERNICE LOWRANCE  
THROUGH HER ATTORNEY  
SCOTT J. HARRISON  
MORGAN & MORGAN  
191 Peachtree Street, NE  
Suite 4200  
Atlanta, GA 30303

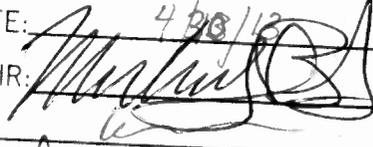
For bodily injuries alleged to have been sustained from a fall  
on an escalator on October 25, 2012 at Hartsfield-Jackson  
Atlanta International Airport, 8700 Spine Road.

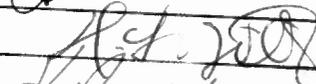
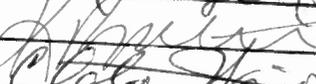
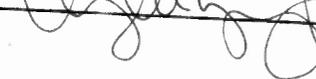
THIS ADVERSED REPORT IS APPROVED

BY:   
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY

### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/23/13  
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](mailto:municipalclerk@atlantaga.gov)

May 13, 2013

Alva Bernice Lowrance  
c/o Attorney Scott J. Harrison  
Morgan & Morgan  
191 Peachtree Street, NE, Suite 4200  
Atlanta, Georgia 30303

**13-R-3046**

Dear Ms. Lowrance:

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. 13L0057

Date: February 28, 2013

Claimant /Victim ALVA BERNICE LOWRANCE
BY: (Atty) (Ins. Co.) SCOTT J. HARRISION, MORGAN & MORGAN
Address: 191 Peachtree Street, Suite 4200, Atlanta, Georgia 30303
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 1/29/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/25/12 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 fell on an escalator at the airport. The claim has been forwarded to the City's insurance carrier, Chartis, 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,

[Handwritten signature of Gwendolyn Burns]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Handwritten signature] Concur/date 3/6/13
Deputy City Attorney: Concur/date
Committee Action: Council Action

# MORGAN & MORGAN®

Attorneys At Law

SUITE 4200  
191 PEACHTREE STREET NE  
ATLANTA, GA 30303  
(404) 965-8811  
FAX: (404) 965-8812

*Burns*  
*2/6/13 JB*  
**RECEIVED**

JAN 29 2013  
CITY OF ATLANTA  
DEPT OF LAW

January 28, 2013

**RECEIVED - RECD**

**FEB - 1 2013**  
ENTERED - 2-11-13 - SB  
13L0057 - G. BURNS

*New*  
*2/6/13*  
*WC*

CERTIFIED MAIL RETURN RECEIPT 7012 3050 0001 1769 5090



\* 1 7 3 9 8 5 9 \*  
Kasim Reed, Mayor  
City of Atlanta  
55 Trinity Avenue  
Atlanta, GA 30303

CERTIFIED MAIL RETURN RECEIPT 7012 3050 0001 1769 5106



\* 1 7 3 9 8 5 9 \*  
Rhonda Dauphin Johnson  
Municipal Clerk, City of Atlanta  
55 Trinity Avenue  
2<sup>nd</sup> floor, Suite #2700  
Atlanta, GA 30303

CERTIFIED MAIL RETURN RECEIPT 7012 3050 0001 1769 5113



\* 1 7 3 9 8 5 9 \*  
Ceasar C. Mitchell, President  
Atlanta City Council  
City of Atlanta  
55 Trinity Avenue  
Atlanta, GA 30303

CERTIFIED MAIL RETURN RECEIPT 7012 3050 0001 1769 5120



\* 1 7 3 9 8 5 9 \*  
Louis E. Miller, General Manager  
Department of Aviation  
6000 North Terminal Parkway  
Atrium, Suite 4000  
Atlanta, GA 30320

CERTIFIED MAIL RETURN RECEIPT 7012 3050 0001 1769 5137



\* 1 1 7 3 9 8 5 9 \*  
Cathy Hampton, City Attorney  
City of Atlanta, Department of Law  
68 Mitchell Street, Suite 4100  
Atlanta, GA 30303

[www.forthethepeople.com](http://www.forthethepeople.com)



January 28, 2013

Page 2

Re: Ante Litem Notice of Tort Claim  
Our Client(s): Alva Bernice Lowrance  
Date of Incident: 10/25/2012  
Your Claim No: unknown

To Whom It May Concern:

Within six (6) months of the date described above, this Notice is being sent pursuant to the requirements of O.C.G.A. § 36-33-5 to provide you with a thirty (30) day opportunity for adjustment of a tort claim against the City as a result of the following incident:

- (a) Name of the City Government entity involved: City of Atlanta, Department of Aviation and Hartsfield Jackson Atlanta International Airport
- (b) Time: 4:30pm
- (c) Place: Atlanta Hartsfield International Airport at Delta Terminal A on Escalator
- (d) Nature of Loss Suffered: Mrs. Lowrance suffered contusions on her arms, shoulders, right hip and right knee. She also fractured her wrist on right arm and developed blood clots as a result of her fall.
- (e) Amount of Loss Claimed: Alva Bernice Lowrance has claims for medical expenses, past and future, lost income, past and future in the amount of \$35,000 and a claim for pain and suffering, mental and emotional suffering and any other non economic damages recoverable under all applicable laws in the amount of \$250,000. Please be advised the client is still receiving medical treatment which may affect the amount of the claim for medical expenses and all other non economic damages.
- (f) Acts or omissions which caused the loss: The City of Atlanta and/or Department of Aviation and/or Hartsfield Jackson Atlanta International Airport, its agents, employees, and/or representatives owed a legal duty of reasonable care to Alva Bernice Lowrance, an invitee, to inspect and keep the premises in a safe condition to prevent harm and injury to Mrs. Lowrance when she fell down the escalator due to a jerk to it as it was going down fast causing her to lose her balance and fall. The City of Atlanta and/or Department of Aviation, and the Airport its agents, employees and/or representatives negligently failed to inspect the premises and failed to warn invitees of the dangerous condition that existed.

No action to make a civil recovery for these claims will be commenced except upon the expiration of (30) days following receipt of this notice, or the City's denial of the claim, which ever occurs first.

January 28, 2013  
Page 3

The information supplied herein is provided for the purposes of allowing you to conduct an investigation of the alleged incident and determine if the claim should be settled without litigation. Should you require additional information for that determination, please contact my Paralegal, Mina Simmons at 404-965-1864.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott J. Harrison", written over a horizontal line.

Scott J Harrison

SJH/mms

cc: Alva Bernice Lowrance

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 ADOPDED 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