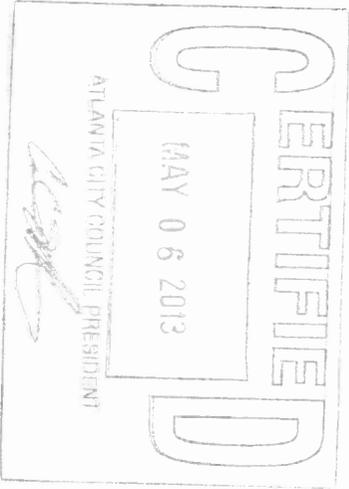


13R-3153

Entered - 2/23/12 - sb  
CL - 12L0158 -DWM/06 - Angelena Kelly

Claim of: Leslie Nielsen  
Through her attorney Adam N. Struletz, LLC  
P.O. Box 723666  
Atlanta, GA 31139

For bodily injury allegedly sustained as a result of a walking into  
an uncovered water meter box on January 24, 2012 at 420 7<sup>th</sup>  
Street.



THIS ADVERSED REPORT IS APPROVED

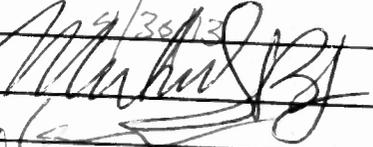
BY:   
ERIC RICHARDSON  
DEPUTY CITY ATTORNEY



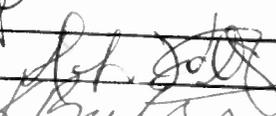
### ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/30/13

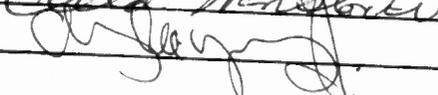
CHAIR: 















ADVERSED BY  
CITY STENOGRAPHER  
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

Leslie Nielsen  
c/o Attorney Adam N. Struletz, LLC  
P. O. Box 723666  
Atlanta, Georgia 31139

**13-R-3053**

Dear Ms. Nielsen:

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. 12L0158

Date: March 18, 2013

Claimant /Victim: Leslie Nielsen  
BY:(Atty)(Ins. Co.) Adam N. Struletz, LLC  
Address: P.O. Box 723666, Atlanta, GA 31139  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ 7,500.00  
Date of Notice: 2/16/12 Method: Written, proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence: 1/24/12 Place: 420 7<sup>th</sup> Street  
Department: Watershed Management Bureau: Drinking Water Office:             
Employee involved:            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges bodily injury sustained when she stepped into an uncovered water meter box. The investigation determined that the City had no notice of any problems with the water meter prior to the claimant's incident. The water meter lid was replaced on the meter box.

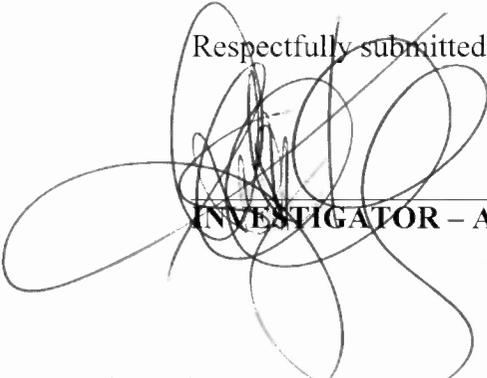
INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral             
Pictures X Diagrams            Reports: Police            Dept Report X Other             
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.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,



INVESTIGATOR - A. KELLY

RECOMMENDATION:

Pay \$            Adverse X Account charged: General Fund            Water & Sewer            Aviation             
Claims Director/Manager: *caile* Concur/date 3/27/13  
Deputy City Attorney:            Concur/date             
Committee Action:            Council Action

# ADAM N. STRULETZ, LLC

Attorney-at-Law

P.O. Box 723666  
Atlanta, GA 31139

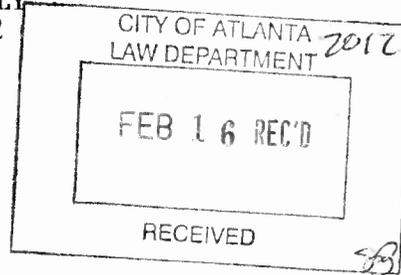
(678) 648-2023 Telephone  
(678) 815-1553 Facsimile

ENTERED - 2-23-12 - SB  
12L0158 - A. KELLY  
February 14, 2012

*Kelly*  
*2/20/12*  
*EB*

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Commissioner Jo Ann J. Macrina, P.E.  
Department of Watershed Management  
City of Atlanta  
55 Trinity Avenue, Suite 5400  
Atlanta, Georgia 30303



Re: Ante-litem notice for personal injury sustained by Leslie Nielsen on January 24, 2012

Dear Commissioner Macrina:

Please be advised that this firm represents Leslie Nielsen in connection with the above-referenced matter. Accordingly, please direct all communication with regard to this matter to the undersigned. The purpose of this communication is to initiate a claim for personal injuries sustained by my client near 420 Seventh Street, N.E., Atlanta, Georgia 30308, and to give the city an opportunity to cure this problem without the need for judicial intervention.

On January 24, 2012, at approximately 11:30 a.m., my client was walking her dog in Midtown, Atlanta, and approached a large puddle of water covering the entire sidewalk. In order to avoid the puddle, my client stepped on a water meter cover owned and maintained by the City of Atlanta. Upon stepping on the water meter cover with her right foot, the water meter cover completely collapsed, and her right foot and leg fell into the opening below. My client experienced a cut on her shin, and severe bruising on her shin and ankle. On the same day, my client sought medical help at Concentra Urgent Care, and was diagnosed with an abrasion on her right leg. The doctor prescribed an oral antibiotic and a topical antibiotic ointment. Though the medical costs to date are just under \$300.00, my client has experienced and continues to experience severe pain, swelling, and bruising on her right leg and ankle. The fall has also caused her to experience anxiety whenever she walks on city streets for fear that she may fall and injure herself again on the City's other water meter and utility covers.

In light of the City's failure to properly maintain the water meter cover, and my client's resulting injuries, demand is hereby made that the City compensate my client, in the total amount of \$7,500.00, in exchange for a full release of all claims arising from the incident herein described.

Enclosed you will find photographs showing the location of the incident, the water meter cover involved, and the injuries sustained by my client. My client is also willing to provide to the

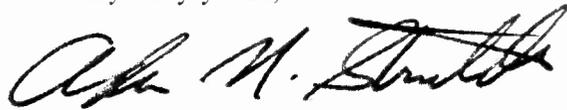
OFFICE OF CLERK OF SUPERIOR COURT  
2012 FEB 15 PM 3:25  
DEPARTMENT OF WATERSHED MANAGEMENT  
JANNA GOSWAMI

Commissioner Jo Ann J. Macrina, P.E.  
February 14, 2012  
Page 2 of 2

City with additional information in furtherance of bringing this matter to an appropriate resolution. However, if no action has been undertaken by the City within thirty (30) days of receipt of this communication, my client may, at its sole option and discretion, bring suit against the City of Atlanta to recover damages for, inter alia, negligence, negligent infliction of emotional distress, and nuisance, and may, at its further discretion, seek the award of attorney's fees and punitive damages. This communication shall serve as ante-litem notice to the City of Atlanta should such legal action be instituted pursuant to O.C.G.A. § 36-33-5.

Should you have any questions with regard to this matter, you may contact me at these offices. This matter demands your immediate attention and consideration. BE GOVERNED ACCORDINGLY.

Very truly yours,



Adam N. Struletz

ANS/jml

xc: Ms. Leslie Neilsen  
Mayor Kasim Reed (via certified mail, return receipt requested)  
City Council President Ceasar C. Mitchell (via certified mail, return receipt requested)  
City Attorney Cathy Hampton, Esq. (via certified mail, return receipt requested)



		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</b>	105. 13-R-3071
30. 13-R-3009	<b>CONSENT</b>	106. 13-R-3072
31. 13-R-3010	68. 13-R-3034	107. 13-R-3073
32. 13-R-3011	69. 13-R-3035	108. 13-R-3074
33. 13-R-3013	70. 13-R-3036	109. 13-R-3075
34. 13-R-3000	71. 13-R-3037	110. 13-R-3076
35. 13-R-3001	72. 13-R-3038	111. 13-R-3077
36. 13-R-3002	73. 13-R-3039	112. 13-R-3078
37. 13-R-3083	74. 13-R-3040	113. 13-R-3079
38. 13-R-3084	75. 13-R-3041	114. 13-R-3080
39. 13-R-3102	76. 13-R-3042	115. 13-R-3081
		116. 13-R-3082