

13-R-3065

Entered - 3-11-13 sb
CL 13L0127 - NA/01 - GWENDOLYN BURNS

CLAIM OF: **ADRIA MORGAN,
THROUGH HER ATTORNEYS
JOEL H. ROTH
MONTLICK & ASSOCIATES, P.C.
17 Executive Park Drive, Suite 300
Atlanta, Georgia 30329**

For bodily injury alleged to have been sustained on October 1, 2012 at 174 Georgia Avenue (Georgia Avenue Highrise).

THIS ADVERSED REPORT IS APPROVED



ERIC RICHARDSON
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/28/13

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



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

May 13, 2013

Adria Morgan
c/o Attorney Joel H. Roth
17 Executive Park Drive, Suite 300
Atlanta, Georgia 30329

13-R-3065

Dear Ms. Morgan:

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. 13L0127

Date: April 9, 2013

Claimant /Victim ADRIA MORGAN
BY: (Atty) (Ins. Co.) JOEL H. ROTH, MONTLICK & ASSOCIATES, P.C.
Address: 17 Executive Park Drive, Suite 300, Atlanta, GA 30329
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 3/4/13 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/1/12 Place: 174 Georgia Avenue - Georgia Avenue Highrise
Department Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges she sustained bodily injury at the above address due to construction work. The investigation has determined the Atlanta Housing Authority maintains the apartment complex and not the City of Atlanta. Moreover, the Atlanta Housing Authority is a separate legal entity from the City of Atlanta. The claimant has been advised to pursue her claim with them.

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
Improper Notice More than Six Months Other X Damages reasonable
City not involved X 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 - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: General Fund Water & Sewer Aviation
Claims Director/Manager: [Signature] Concur/date 4/18/13
Deputy City Attorney: Concur/date
Committee Action: Council Action

MONTLICK & ASSOCIATES, P.C.

ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 300
ATLANTA, GEORGIA • 30329

TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

Burns
3/8/13
RECEIVED
AB

MAR - 4 2013

CITY OF ATLANTA
DEPT OF LAW

February 27, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Kasim Reed
Mayor—City of Atlanta, Georgia
55 Trinity Avenue
Suite #2500
Atlanta, Ga. 30303

RECEIVED

RECD
SB

MAR 6 - 2013

ENTERED - 3-11-13 - SB
13L0127 - G. BURNS

RE: **ANTE LITEM NOTIFICATION**
Pursuant to O.C.G.A. § 36-33-5

To: Atlanta Housing Authority
Our Client: Adria Morgan
Date of Incident: October 1, 2012
Location: 174 Georgia Avenue SE—Georgia Avenue Highrise
Time of Occurrence: Daylight

New
3/12/13
CAC

Honorable Sir:

Please be advised that this firm represents the interests of Adria Morgan for injuries received as a result of an incident on October 1, 2012. This letter shall constitute ante litem notice pursuant to O.C.G.A. § 36-33-5 and is given on behalf of Adria Morgan.

FACTS

On October 1, 2012, Adria Morgan was a tenant in an apartment building owned by the Atlanta Housing Authority. Immediately before the subject incident, she was sitting in a patio area on the ground floor. At that time, workers from the Daystar Infrastructure and Construction Company were scraping some substance off the walls near a door leading from the patio to a recreational room. The scrapings from the wall were accumulated onto a drop cloth, and one of the workers shook the drop cloth in the direction of the patio. Some of the scrapings landed in client's hair. Client, at that time, had her hair braided in cornrows. Approximately one week later, client let her hair down and a substance which was apparently on the scrapings got in her eyes.

LIABILITY

This incident occurred as a result of the negligence of an officer, agent or employee of the Atlanta Housing Authority, in failing to properly supervise employees of the Daystar Infrastructure and Construction Company in the performance of their work, or alternatively, failing to warn tenants of the Georgia Avenue Highrise to stay away from the patio area while the construction was taking place. These theories of negligence are not exclusive of additional theories that may exist but are not yet determined.

INJURIES

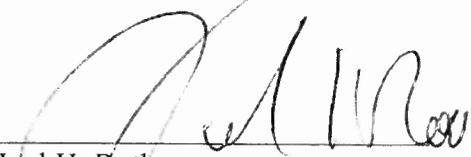
As a direct and proximate consequence of the negligence of an officer, agent or employee of the Atlanta Housing Authority, Adria Morgan suffered an abrasion of the cornea of her left eye. Her medical treatment is still continuing.

This letter is intended to establish ante litem notification and is presumed to comply with all such requirements under O.C.G.A. § 36-33-5 unless you notify us of any defect within ten (10) days of receipt. If further information is needed, please feel free to contact the undersigned.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY:


Joel H. Roth
Attorney at Law

LTR_1509:513004:ndls

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	ITEMS ADVERSED 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