

Entered - 9-11-12 sb
CL 12L0604 - NA/05 - GWENDOLYN BURNS

**CLAIM OF: SHEA WRIGHT,
THROUGH HER ATTORNEY,
THE LAW OFFICES OF
MICHAEL LAWSON NEFF, P.C.**
Resurgens Plaza
945 E. Paces Ferry Road
Suite 1770
Atlanta, Georgia 31406

For bodily injury alleged to have been sustained from an automobile accident involving a MARTA bus on July 17, 2012 at Park Place and Leland Terrace.

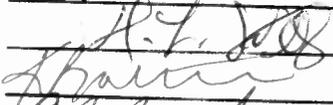
THIS ADVERSED REPORT IS APPROVED

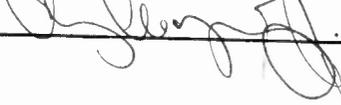
BY: 
ERIC RICHARDSON
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 4/25/13
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

May 13, 2013

Shea Wright
c/o Attorney Michael Lawson Neff, P.C.
Resurgens Plaza
945 E. Paces Ferry Road, Suite 1770
Atlanta, Georgia 31406

13-R-3073

Dear Ms. Wright:

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. 12L0604

Date: February 28, 2013

Claimant /Victim SHEA WRIGHT
BY: (Atty) (Ins. Co.) THE LAW OFFICES OF MICHAEL LAWSON NEFF, P.C.
Address: Resurgens Plaza, 945 E. Paces Ferry Road, Suite 1770, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ Bodily Injury \$ unspecified
Date of Notice: 8/30/12 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 7/17/12 Place: Park Place and Leland Terrace
Department Bureau: Office:
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges bodily injury sustained when she struck a Marta bus that failed to yield while turning at the above location. The investigation has determined that MARTA is a separate legal entity from the City of Atlanta. The claimant has been advised of same.

INVESTIGATION:

Statements: City employee Claimant X Others Written Oral X
Pictures Diagrams Reports: Police X 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 3/12/13
Deputy City Attorney: Concur/date
Committee Action: Council Action



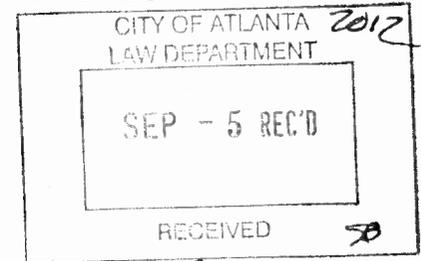
RECEIVED
OFFICE OF
MUNICIPAL CLERK

2012 AUG 30 AM 11:57

The Law Offices of Michael Lawson Neff, P.C.

ENTERED - 9-11-12 - SB
12L0604 - G. BURNS

August 27, 2012



*Burns
9/17/12
GB*

Via Certified Mail 7011 1570 0001 2592 4416 - Return
Receipt Requested

Rhonda Johnson
Municipal Clerk
Atlanta City Hall
55 Trinity Avenue
Atlanta, Georgia 30303

Re: ***Ante Litem Notice – MARTA Bus Collision***
Date of Loss: 7/17/2012
My Client: Shea Wright
Your Driver: O.C. Die

To Whom It May Concern:

Please be advised that I have been retained to represent Shea Wright in regards to any personal injury claims against the City of Atlanta, MARTA, and others arising out of an incident that occurred on July 17, 2012. Ms. Wright intends to file a claim and/or civil action for damages against the City of Atlanta, MARTA, and others in connection with the injuries she sustained during a collision with a MARTA bus.

On July 17, 2012, Ms. Wright was driving on Park Place near the intersection of Leland Terrace close to the East Lake MARTA station. As she proceeded with the right of way, Mr. Die, a MARTA driver in a MARTA bus, failed to yield and turned directly in front of her, causing a crash. The crash was severe, causing Ms. Wright's airbag to deploy and her driver's-side window to shatter.

Mr. Die was issued a citation for failure to yield while turning left in violation of O.C.G.A. § 40-6-71. Ms. Wright was transported to Grady Hospital by ambulance where her severe injuries were diagnosed. At the hospital, doctors took a number of x-rays and proscribed Vicodin for the pain. In addition to soft-tissue injuries, Ms. Wright suffered a break in her left hand.

Currently, Ms. Wright continues to undergo treatment for her injuries, particularly the injury to her hand. She is a cardio-thoracic surgical nurse, and the trauma to her hand

Rhonda Johnson
August 27, 2012
Page Two

has caused her to miss significant amounts of time from work. Currently, her future as a surgical nurse is in jeopardy.

Please allow this correspondence to serve as my formal ante litem notice, in accordance with the provisions of O.C.G.A. § 36-33-5, of my clients' claims for damages against the City of Atlanta, MARTA, and any and all other officers, employees, agencies or entities who may have been involved in causing injuries to Ms. Wright.

Although the investigation of this loss is not yet complete, the claims arise from the negligence of MARTA's driver while driving a MARTA bus.

As a result of this incident, Ms. Wright has suffered a traumatic injury to her hand and has been unable to return to work. She is currently under the care of an orthopedic surgeon who has documented this diagnosis.

Mr. Brown's damages include, but are not limited to, medical expenses, pain and suffering, lost wages, and any and all other damages as permitted under Georgia law as determined by the enlightened conscience of a jury, but in an amount likely to exceed \$400,000.00.

If you contend this letter does not provide you with sufficient notice pursuant to O.C.G.A. § 36-33-5, or comply with said statute, please advise me immediately. Please accept this as a request for all insurance information that may cover any aspect of these claims.

Sincerely,



T. Shane Peagler

cc:

**Via Certified Mail 7011 1570 0001 2592 4423 - Return
Receipt Requested**

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

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