Entered - 10/08/99 - sb
CL99L0643 - DIANNE C. MITCHELL

CLAIM OF: **ALANDRA JAMI SADOWSKI,**
through her attorney,
Stephen D. Apolinsky
114 East Ponce de Leon Avenue
Decatur, Georgia 30030

01- R -0944

For damages alleged to have been sustained as a result of personal injuries due to stepping onto an open water meter on March 29, 1999 at 3049 Peachtree Road.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by Robert N. Cy DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **99L0643** Date: June 5, 2001

Claimant /Victim **ALANDRA JAMI SADOWSKI**
BY: (Atty) Stephen D. Apolinsky
Address: 114 East Ponce de Leon Avenue, Decatur, Georgia 30030
Subrogation: _____ Claim for Property damage $ _____ Bodily Injury $ **7,500.00**
Date of Notice: 09/28/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/29/99 Place: 3049 Peachtree Road
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she was injured when she fell into an open water meter at the above location. The claim was tendered to United Water Services for handling. However, the claimant has now filed a lawsuit to resolve the issues raised in her claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
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,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 06-13-01
Committee Action: _____ Council Action _____

FORM 23-61

EASTMAN & APOLINSKY

A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW

THE WATKINS BUILDING
114 EAST PONCE DE LEON AVENUE
DECATUR, GEORGIA 30030

TELEPHONE: (404) 377-9191
FACSIMILE: (404) 377-6996

STEPHEN D. APOLINSKY (GA, AL & D.C.)
DAVID A. EASTMAN (GA & FL)
LORI A. SMITH (GA & FL)

E-MAIL ADDRESSES:
DAVID A. EASTMAN: DAEGBB@BELLSOUTH.NET
STEPHEN D. APOLINSKY: SAPOLINSKY@AOL.COM

Mitchell
10/04/99
DM

ENTERED - 10-8-99 - SB
September 27, 1999 0910643 - DIANNE MITCHELL

BY HAND DELIVERY

Honorable William C. Campbell
City Hall, Suite 2400
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

Susan Langford, Esq.
City of Atlanta Law Department
68 Mitchell Street
Atlanta, Georgia 30335

Fulton County Board of Commissioners
Mr. Mike Kenn, Chairman, District 1
Mr. Michael Hightower, Commissioner, District 7
Ms. Nancy A. Boxil, Commissioner, District 6
Ms. Emma I. Darnell, Commissioner, District 5
Mr. Robert E. Fulton, Commissioner, District 3
Ms. Karen E. Webster, Commissioner, District 2
Mr. Tom Lowe, Commissioner, District 4
Government Center, Tower, Suite 10035
141 Pryor Street, S.W.
Atlanta, Georgia 30303

Ms. Overtis Brantley, Esq.
Fulton County Government Center
141 Pryor Street, Suite 4038
Atlanta, Georgia 30303

RE: **Ante Litem Notice to the City of Atlanta and Fulton County concerning Alandra Jami Sadowski Trip and Fall in uncovered hole on Peachtree Street in Atlanta, Georgia**

Demand for Payment of $7,500.00

Dear Mayor Campbell, Ms. Langford, Ms. Brantley and Ladies and Gentlemen of the Board:

This firm represents Ms. Alandra Jami Sadowski. This letter shall serve as an ante litem notice of a personal injury claim pursuant to O.C.G.A. § 36-11-1 and 36-33-5. Ms. Sadowski intends and hereby does assert claims against each of your respective governmental entities, departments and agencies for injuries sustained as a result of her tripping upon an uncovered hole on Peachtree Street, resulting in

injuries suffered by my client. See enclosed photographs of the area of her fall. Said incident occurred on March 29, 1999.

When Ms. Sadowski fell, she sustained injuries to the lower area of her leg. At the time of the incident, paramedics were dispatched to the scene of the incident. Subsequently, Ms. Sadowski sought medical attention from Physicians Immediate Med. and from Dr. Robert Hudec. She was prescribed several prescriptions for pain. To date, Ms. Sadowski's medical expenses total $239.88. See enclosed medical bills and medical reports. My client has a scar which may necessitate surgery to fix since she is a successful model.

At the time of the accident, my client was a runway and print model working with Click Modeling Agency. See enclosed samples of Ms. Sadowski's work. Ms. Sadowski incurred lost wages from her job as a model due to the scar that was present on her leg and the fact that some photograph sessions required Ms. Sadowski to reveal her legs. Due to the scar being present on Ms. Sadowski's leg, she was overlooked for photo sessions and other job opportunities. We are in the process of documenting her lost wages and we reserve the right to supplement her lost wages as appropriate.

In addition to incurring medical expenses and losing wages, Ms. Sadowski has a claim for pain and suffering. It took her weeks to recover from this incident and she suffered physically as well as mentally from not knowing when she could return to work. As stated above, she continues to have a scar which, if not corrected, will be a constant reminder of her fall.

Pursuant to O.C.G.A. §§36-11-1 and 36-33-5, the City of Atlanta and Fulton County have thirty (30) days from the presentation of this claim to effect settlement. Demand is hereby made to pay my client $7,500.00 for her injuries. Each of your respective governmental entities, department and agencies, failed to warn of the danger posed by the uncovered hole which was the proximate cause of Ms. Sadowski's injuries. Failing settlement of this claim, a civil action in a court of competent jurisdiction and venue shall be instituted for the recovery of actual, general and special damages, plus cost of suit.

Yours very truly,

Stephen D. Apolinsky

SDA/tbf

enclosures
cc: Ms. Alandra J. Sadowski

01- R -0944