***[Ante Litem Notice***

***\*\*\*\*\*\*Statutes and case law Change – Go read the statute 10 times and make sure the content of your ante-litem is sufficient and appropriate depending on whether the Defendant is a county, state, or municipality. This one was for a county.\*\*\*\*\*\*\*\*\*]***

Date

**VIA CERTIFIED MAIL AND FACSIMILE**

\_\_\_\_\_\_\_\_\_ County Board of Commissioners Billy \_\_\_\_\_\_\_\_\_\_., Esq.

Mr. Peter \_\_\_\_\_\_\_\_. BOC Chairman County Attorney -\_\_\_\_\_\_\_\_\_\_\_ County, Georgia

\_\_\_\_\_\_\_\_\_\_\_\_\_ County [Department] P.O. Box 444

P.O. Box 7777777 Big City, GA 39818

Big City, Georgia 39999

\_\_\_\_\_\_\_\_\_\_\_\_\_ Insurance Group VVVVVVV Insurance

P.O. Box 55555 P.O. Box 222

York, PA 17405 Littleville, AL 36266

Re: **Ante Litem Notice** /**Letter of Representation and Request for Policy Limits Pursuant to O.C.G.A. § 33-3-28 / Spoliation Notice**

Claim No.: GA- 010101010\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Our Client: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (DOB 2/1/\_\_)

Your Insured: \_\_\_\_\_\_\_\_\_\_\_\_\_ County [Department]

Date of Loss: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location of Loss: \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, Georgia

To Whom it May Concern:

This letter shall serve as notice pursuant to O.C.G.A § 36-11-1 and any and all other applicable Georgia legislative statutes, administrative rules and regulations, common law, and/or local court rules, that my client, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is pursuing a claim for bodily injury damages and economic losses against the government entities identified within this letter. All future communications should be sent to our office.

**BRIEF STATEMENT OF FACTS**

On July \_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_ at approximately 12:00 PM, Investigator \_\_\_\_\_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Public Safety Department was responding to a house fire in conjunction with \_\_\_\_\_\_\_\_\_\_\_\_\_ County Fire and Rescue at or near \_\_\_\_\_\_\_\_\_\_ Drive in Big City, Georgia. At the scene, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Fire and Rescue Engine No. \_\_\_\_\_\_\_\_\_\_ hit and subsequently ran over Mr. \_\_\_\_\_\_\_\_\_\_\_\_, severely injuring \_\_\_\_\_\_\_\_\_\_\_\_\_\_. Mr. \_\_\_\_\_\_\_\_\_\_\_ was in the line of duty retrieving an item from a fire apparatus when suddenly and out of nowhere Engine \_\_\_\_\_\_\_ hit Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from behind and subsequently pulling his legs under the truck and crushing them. The negligent actions on the part of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Fire and Rescue truck driver, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, caused said injuries to occur. Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ did not contribute in any way to the cause of this loss as he was unable to use any evasive maneuvers to avoid the collision happening suddenly and unannounced behind him. EMS personnel at the scene tended to Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ upon noticing said incident and transported him immediately to Big City Memorial Hospital where he underwent multiple surgeries over the next few days. Accordingly, under the ante litem statute, we are pursuing a claim for bodily injury damages and economic losses on behalf of Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_ against any and all entities that were responsible for said losses. For a diagram of the incident and further statements, please refer to the attached reports and audio recordings by \_\_\_\_\_\_\_\_\_\_\_\_Grady 911, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Fire and Rescue, and the Georgia State Patrol. Furthermore, please be advised that there is at least one independent witness of said incident listed in the GSP report as well – Mr. --\_\_\_\_\_\_\_\_\_\_\_ of Big City, GA; who can be reached at 777-777-7777.

**ADDITIONAL INFORMATION PERTINENT TO THESE CLAIMS**

1. **Name of Government Entity/Entities:** \_\_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_\_\_\_\_ County Board of Commissioners – Chairman \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Fire and Rescue, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Insurance Group, AND/OR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Insurance
2. **Date and time of the transaction or occurrence out of which the loss arose:** Friday, July \_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_ @ 12:00PM.
3. **The place of the transaction or occurrence:** 1111 \_\_\_\_\_\_\_\_\_\_\_ Drive, approximately 500 ft. east of Hwy 110 in Big City, \_\_\_\_\_\_\_\_\_\_\_\_\_ County, Georgia.
4. **The nature of the loss suffered:** Personal injuries, past and future medical expenses, temporary and permanent disability, physical and mental pain and suffering and other non-economic damages. Said injuries include, but are not limited to broken fibia, tibia in both legs requiring multiple surgeries, as well multiple neck and back injuries. As treatment progresses, we will learn the full extent. We have no knowledge of the current medical expenses but we predict the billed amounts will easily exceed $200,000. The current medical expenses are ongoing an increasing.

E. **The amount of the loss claimed and demanded is** **$5,000,000.00**

1. **The acts or omissions which caused the loss:** All entities named above were negligent in the execution of their ministerial duties in multiple ways. Said negligent execution of their ministerial duties includes, but is not limited to, the following: 1) failing to yield to a pedestrian, 2) failing to maintain lane, 3) negligently supervising operations; and 3) committing other negligent acts as may be discovered through litigation.

**OFFER TO COMPROMISE CLAIM**

The purpose of an ante-litem notice such as this is to afford a government entity the opportunity to investigate a claim, ascertain the evidence, and avoid unnecessary litigation. *See* Stelling v. Richmond County, 81 Ga. App. 571 (1950). Accordingly, please consider this letter as an opportunity to amicably resolve this claim. We ask that you pass along this letter to any other proper parties. If this offer of compromise is denied, our office intends to pursue all litigation. If you have any questions or need further clarification on this important matter, please feel free to contact our office at 404-\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In addition, we invite the opportunity to further discuss the underlying incident and would appreciate any related documentation you can provide.

**\*\*\*SPOLIATION NOTICE \*\*\***

This letter is also a formal demand for the preservation of certain evidence related to the subject incident. If you fail to properly secure and preserve these important pieces of evidence it will give rise to the legal presumption that the evidence would have been harmful to your side of the case. Furthermore, if you fail to preserve and maintain this evidence, we will seek all sanctions available under the law. Please see: *Court of Appeals of Georgia v. Bailey Brothers Realty, Inc., 2010 WL 2652453 (Ga. App. June 6, 2010).* The destruction, alteration, or loss of any of the below constitutes a spoliation of evidence under Georgia law. We specifically request that the following evidence be maintained and preserved and not be destroyed, modified, altered, repaired, or changed in any manner:

1. All logs referencing or related to the subject incident;
2. All video or audio recordings of the subject incident;
3. Any e-mails, phone calls, audio recordings, electronic messages, letters, memos or other documents concerning the subject incident;
4. Any manuals, guidelines, policies, procedure rules or regulations pertaining to handling calls for and dispatching emergency medical care;
5. A list of all employees involved in the subject incident; and
6. The entire personnel file of all employees involved in the subject incident.

In order to assure that your obligation to preserve documents and things is met, please immediately forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter.

Lastly, Pursuant to O.C.G.A. § 33-3-28, we request that you send us a copy of the declarations page for your insured policy and a statement regarding each known policy of insurances issued by your company, including excess or umbrella insurance; the name of the insurer; the name of each insured, and; the limits of coverage for each policy.

**Further, in the event that you feel this ANTE LITEM NOTICE does not satisfy the statutory requirements, in any way, please notify our office immediately**. Thank you for your cooperation, and please feel free to call us with any questions at 404-618-0000.

Sincerely,

Attorney at Law