



"Dedicated to the Preservation of Life and Property"



BRUCE SATTERFIELD
FIRE CHIEF
404 SCHOOL STREET
706-278-7363
FAX (706) 272-7107
DALTON, GEORGIA 30720

BILL WEAVER
CHAIRMAN

KEITH WHITWORTH
TERRY MATHIS
KENNETH E. WILLIS
CARLOS CALDERIN
PUBLIC SAFETY COMMISSION

Contact: Chief Bruce Satterfield
706-278-7363
bsatterfield@cityofdalton-ga.gov

For Immediate Release
March 12, 2010

PRESS RELEASE

410 UNDERWOOD CIRCLE

AUGUST 22, 2009

Time of Call: 8:12:37 PM – August 22, 2009
Under Control: 9:03:48 PM – August 22, 2009
Units Off Scene: 7:06:47 PM – August 23, 2009

The fire originated in apartment 410 and is ruled accidental in nature and was never considered a criminal investigation. There is no physical evidence of a natural gas explosion.

Two events occurred at the incident:

1. Undisputable evidence reveals a fire originated and burned for a considerable length of time in the rear bedroom with the bedroom door in the closed position. (Jeffery Nations Bedroom)
 - All electrical sources of ignition have been eliminated by an independent electrical engineer

- All interior gas appliances and interior gas lines have been eliminated as source of the fire with exception of the water heater pilot light (uninvolved in fire)
 - Dalton Utilities eliminated exterior gas leaks to the service meter
 - Analytical detection of ignitable liquids and carpet samples taken from the room of origin were negative
2. After extensive burning at some point during the fire a smoke explosion or back draft occurred blowing out one attic gable vent, apartment 410 windows, attic insulation, and portions of the ceiling throughout the building.

Cause of fire: Accidental fire caused by a human act of an undetermined nature.

XXX

GENEVIEVE L. FRAZIER, P.C.

ATTORNEY AT LAW

A Professional Corporation

Post Office Box 906
101 East Second Avenue • Suite 350
Rome, Georgia 30162-0906

(678) 246-0100 Atlanta Line
glfrazierpc@bellsouth.net

(706) 233-9925 Telephone
(706) 233-9935 Facsimile

September 6, 2009

CERTIFIED MAIL

Pat Johnson, Executive Director
Dalton Housing Authority Governing Board
405 Sequoyah Place
Dalton, GA 30721

Commissioner Chair Mike Babb
City Hall
PO Box 1205
Dalton, GA 30722

Robert Smalley, Esq.
Attorney for Dalton Housing Authority
McCamy, Phillips
411 W. Crawford Street
PO Box 1105
Dalton, GA 30722

James Bisson, Esq.
City of Dalton Attorney
Minor, Bell & Neal
745 College Dr. Ste B
PO Box 2586
Dalton, GA 30722

Candy Kidd
Director, Risk Management Services
Georgia DOAS
P.O. Box 38198, Capitol Hill Station
Atlanta, GA 30334-9010

Don Cope
President and CEO
Dalton Utilities
1200 V.D. Parrott Jr. Pkwy
Dalton, GA 30720

Thurbert E. Baker, Esq.
Office of Attorney General
40 Capital Square SW
Atlanta, GA 30334

Re: Martha & Jeffrey Nations
Date of Incident: 8/22/09
410 Underwood Circle, Dalton, GA.
Date of incident: 8/22/09
Our File No.: 3183.1

**ANTE LITEM NOTICE PURSUANT TO O.C.G.A. §36-33-5; §50-21-26
DEMAND FOR INSURANCE PURSUANT TO O.C.G.A. §33-3-28
NOTICE TO PRESERVE/ SPOILIATION**

Dear Gentlemen and Ladies:

Ante Litem Notice: This letter shall constitute Ante Litem Notice pursuant to the provisions of O.C.G.A. §36-33-5 to the Dalton Housing Authority Board of Directors and O.C.G.A. §50-21-26 to the Department of Risk Management for the State of Georgia, who were directly responsible for the building, operations and management of public housing within the State of Georgia.

It is the contention of the Estate and Heirs of Mr. Jeffrey Nations and his mother, Martha Sue Nations, in critical care at the Augusta Burn Center, that the negligence of the State, Dalton Housing Authority and others, to include Dalton Utilities, resulted in the death of Jeffrey from a gas explosion at his apartment. Martha Sue continues to suffer from second and third degree burns to 90 percent of her body and is currently on dialysis with her prognosis for survival guarded.

But for the failure of the State of Georgia, City of Dalton, Dalton Utilities and Dalton Housing Authority to properly maintain the premises located at Underwood Circle, Mr. Nations would be alive and his mother well. The operators of the property elected to save money instead of replacing the known defective appliances and repair and replace the old galvanized pipes from which the tenants were constantly complaining on defective hot water heaters, furnaces and stoves. Only after the fatality of Jeffrey and horrendous burns suffered by Martha Sue did the Housing Authority take action and replace the known defective appliances and Dalton enforce Code and Dalton Utilities inspect and repair the old gas lines entering and on the property.

Mr. Nations was 34 years of age at the time of his death. Ms. Nations was only 55 years of age. While Mr. Nations had suffered from down syndrome since birth, both were healthy. It is unknown the full extent of the medical bills for these two individuals but with life care on dialysis, and a year of intense treatment and rehabilitation it is anticipated that Martha Sue's bills may exceed five (\$5,000,000.00) million dollars. Mr. Nations died after immense suffering three days after the explosion and it is anticipated his medical expenses exceed \$200,000.00.

Given such above circumstances, we contend that damages for pain and suffering, funeral and medical expenses and loss of life exceed ten (10) million dollars.

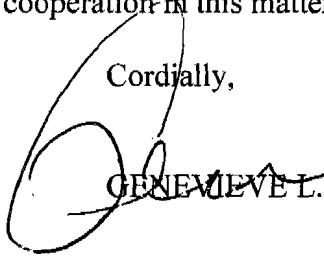
Liability insurance: Pursuant to Official Code of Georgia § 33-3-28, I respectfully demand, within 30 days of receipt of this notice, under oath, each known policy of insurance stating the name of the insurer, name of the insured and limits of coverage, including any umbrella or excess limits that may provide coverage for this horrific accident.

Notice to preserve/subject to spoliation: I trust all documents surrounding this incident and material to these claims shall be preserved *that pertain to the entire apartment complex/project operated by Dalton Housing Authority to include those buildings located on Underwood Circle, Sequoyah and any other streets for the prior ten (10) years beginning January 1, 1999 to date:*

- (a) Copies of all complaints concerning the smell of gas, or defective or poorly operating gas furnaces, gas stoves and gas hot water heaters;
 - (b) Copies of all repair/work and installation orders for the gas furnaces, gas stoves and gas hot water heaters;
 - (c) Copies of all repair/work orders and installation for the gas lines, regulators, BGLL reduces or other gas line equipment or "parts" from the street and following through the property and going into the project;
 - (d) Copies of all invoices and payment for the purchase of appliances for the gas hot water heaters, gas stoves and gas furnaces;
 - (e) All internal memos, emails, logs, written or electronic documentation concerning the gas lines and gas appliances;
 - (f) Copies of Ms. Nations lease file;
 - (g) Copies of the Maintenance personnel files;
 - (h) All photographs of this building and surrounding property;
 - (i) All invoices and payments for improvements, whether or not considered "capital improvements", repairs, and renovations for all units in the building where Ms. Nations lived at the time of the fire;
 - (j) Copies of any reports and/or complaints of problems, concerns or issues involving the gas lines on the property.
 - (k) All notices issued by Dalton utilities concerning work on the gas lines that may directly or indirectly impact the gas lines on the property;
 - (l) All notices of inspection and/or notice of entry by maintenance or others for the prior unit where Ms. Nations lived with her son for approximately twenty years before being relocated to 410 Underwood Circle;
 - (m) All documents supporting any painting, plumbing, construction, repairs, renovations, work orders and/or inspections for the entire building where Ms. Nations lived at the time of the explosion to include, but not limited to the inspection of the furnace, stove and hot water heater and the gas lines connected to the appliances and going into the premise immediately prior to her move-in with her son approximately four months before the explosion;
 - (n) All complaints concerning the hot water heater, stove and furnace throughout the entire projects/complex;
 - (o) Any records in your possession concerning the disability of Jeffery Nations, the son of Martha Sue Nations, to include, but not limited to, Medicaid and social security records, and medical and psychology records;
 - (p) All reports and/or complaints by Ms. Nations against the Housing Authority management and maintenance;
 - (q) Any complaints made by neighbors, if any, against Ms. Nations or her son, Jeffrey;
 - (r) Any reports and/or complaints by other tenants against the maintenance personnel;
 - (s) All tenant files for the time period of the explosion;
 - (t) All statements or reports of any kind given by the tenants or other witnesses to the explosion;
 - (u) All written and electronic communication with Dalton Utilities concerning the gas lines and gas appliances.
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Thanking you in advance for cooperation in this matter. With kindest regards,

Cordially,



GENEVIEVE L. FRAZIER

GLF/dmg

Cc: client