

## FILING A CLAIM AGAINST THE CITY OF TUSCALOOSA

Under Alabama law, any person who intends to file a claim against a municipality is required to file a sworn statement of the facts giving rise to the claim. **For the City of Tuscaloosa, the Office of the City Attorney has been designated as the proper Dept. in which to file such claims.** In the claims process there are certain responsibilities you have as the claimant, and certain responsibilities the City has. Although the process is not complicated, it is important for you to follow the correct procedure in order to assist the City in taking the proper action.

### *The Office of the City Attorney (205) 248-5140*

The Office of the City Attorney is located on the third floor of City Hall, 2201 University Boulevard in Tuscaloosa. The mailing address is Office of the City Attorney, P.O. Box 2089, Tuscaloosa, AL 35403. The lawyers and staff in the Office of the City Attorney exist to provide legal representation to the City of Tuscaloosa and City officials. The Office of the City Attorney does not represent your interests and is prohibited by law from giving you legal advice. Claims must be paid with moneys obtained from the taxpayers of the City, and only in cases where the Office of the City Attorney feels it is in the best interest of the City and taxpayers as a whole will a claim be recommended for payment.

Once you file a claim, the Office of the City Attorney promptly begins an investigation regardless of how large or small the claim is. We gather as much factual information as we can and then apply Alabama law regarding municipal liability, considering all available defenses to such a claim. It is only in cases where our investigation reveals

clear liability with no available defenses that we recommend that your claim be paid. An investigation typically takes about two weeks, but may take longer depending on the circumstances.

### *Your Responsibilities as the Claimant*

The written statement of claim must be signed and sworn to by the owner of any damaged property, or in cases of personal injury by the injured person (or his or her parent or guardian if the injured person is a minor). *Claim forms are available in the Office of the City Attorney. Anyone may pick up a claim form, or one will be mailed at your request.* The claim must be notarized. A notary public is available in the Office of the City Attorney. (This requires an in-person visit and an official picture ID). **Tort claims must be filed with the Office of the City Attorney within six months of the occurrence giving rise to the claim or else it is barred by law.** The law puts the burden on you as the claimant to supply all factual information necessary to support your claim. Consequently, when you file a claim you should state specifically all facts known to you which may affect the City's liability. If there is property damage, the City requires you to obtain at least **three estimates** to repair the property. If the property is a total loss, then that fact must be proven and the cost of replacement documented.

You should also include the names, addresses, and telephone numbers of any witnesses; any available photographs; any cost estimates; any applicable medical records and medical bills; and any other documents or information that you believe shows that the City is responsible or that shows how much damage you received. If

all this information is not available at the time you file your claim, it should be obtained and given to the Office of the City Attorney within one week of the filing of the claim. Any new information you learn that may be important in evaluating your claim must be conveyed to the Office of the City Attorney as soon as possible. Otherwise there is a chance important information will not be considered. **Your contact person in the Office of the City Attorney is Cynthia Noland at (205) 248-5140.** If she is not available when you call, please leave your name, telephone number, and tell the receptionist it is about a claim you have already filed. Ms. Noland conducts the investigation of claims, but she does not make the decisions as to whether claims should be paid or not. Those decisions are made by attorneys in the Office of the City Attorney.

*It is important that you understand that the City generally does NOT arrange for repairs of damaged property or for the provision of medical services. It is the claimant's responsibility to obtain such services. If the City agrees to pay your claim, we will pay the appropriate costs to you. You would independently need to take the steps you deem proper to obtain the services to repair or replace any damaged property or receive any medical services.*

### ***If Your Claim is Paid***

If the Office of the City Attorney's investigation shows that the City is liable, then a recommendation to pay the claim is made. Some claims are paid directly by the City, and some are paid by the City's insurance company. If the claim is going to be paid you will be notified, usually by telephone, and given instructions of how to obtain your check. When the check is delivered, you will usually be required to

sign a release of liability. This is a legal document wherein you acknowledge that the payment by the City constitutes full and final payment of the claim and that no further payments will be made to you on that claim.

### ***If Your Claim is Denied***

Claims can be denied for many different reasons. If your claim is denied you will be sent a formal letter stating that the claim is denied. At that stage of the process, your claim will have been carefully reviewed by our staff and **will not be reconsidered** unless new information becomes available that was not available before the decision was made. ***If your claim is denied, it becomes your option whether to file a law suit in Small Claims Court or some other court; contact an attorney of your choosing to represent you; or take other appropriate legal measures. It is your responsibility to know and protect your legal rights.***

Small Claims Court: Small Claims Court is located on the sixth floor of the Tuscaloosa County Courthouse, 714 Greensboro Avenue, Tuscaloosa, AL 35401. For more information the telephone number of the Court Clerk is (205) 349-3870, ext. 355. Larger claims may need to be filed in District Court or Circuit Court, both located in the Tuscaloosa County Courthouse.

Finding an attorney: The City of Tuscaloosa cannot give you advice on retaining an attorney to represent you. If you do not have an attorney and do not know how to find one, you might want to try the Lawyer Referral Service sponsored by the Alabama State Bar Association at (800) 392-5660.



**INSURANCE INFORMATION**

CHECK ONE: \_\_\_\_\_ **I HAVE INSURANCE THAT COVERS MY LOSS AND WILL BE FILING A CLAIM. NAME & TELEPHONE NUMBER OF INSURANCE REPRESENTATIVE:** \_\_\_\_\_

\_\_\_\_\_ **I EITHER HAVE NO SUCH INSURANCE OR ELSE WILL NOT BE FILING A CLAIM WITH MY INSURANCE COMPANY NOW OR IN THE FUTURE.**

**I OWN THE FOLLOWING PROPERTY WHICH WAS THEREBY DAMAGED IN THE AMOUNTS INDICATED (FOR MOTOR VEHICLES, INCLUDE YEAR, MAKE, MODEL & TAG NUMBER):** \_\_\_\_\_

**(TOTAL AMOUNT OF PROPERTY DAMAGE \$ \_\_\_\_\_ PLEASE FURNISH ESTIMATES/RECEIPTS OR OTHER DOCUMENTATION OF CHARGES.)**

**DID YOU RECEIVE ANY PERSONAL INJURY? \_\_\_\_\_ YES \_\_\_\_\_ NO**

**IF YES, DESCRIBE BELOW: INCLUDE ANY TREATMENT/MEDICATION RECEIVED, DOCTORS SEEN, ETC. LIST AMOUNT BEING CLAIMED FOR PERSONAL INJURIES. (TOTAL AMOUNT PERSONAL INJURY(IES) \$ \_\_\_\_\_**

**NOTE: \*\*\*\*\* (PLEASE DOCUMENT AMOUNT CLAIMED FOR PERSONAL INJURIES BY FURNISHING COPY OF BILLS, PRESCRIPTIONS, ETC.) \*\*\*\*\***

**TOTAL AMOUNT OF CLAIM (PERSONAL & PROPERTY): \$ \_\_\_\_\_**

\_\_\_\_\_  
**SIGNATURE  
(TO BE SIGNED IN PRESENCE OF NOTARY)**

State of Alabama                    )  
Tuscaloosa County                )

I, \_\_\_\_\_, a Notary Public in and for the State at Large, hereby certify that \_\_\_\_\_, whose name is signed to the foregoing document, and

**Who is known to me, or  
Whose identify I proved on the basis of \_\_\_\_\_, or  
Whose identify I proved on the oath/affirmation of \_\_\_\_\_,  
a credible witness to the signer of the above document and that being informed of the contents of the document, he/she executed the same voluntarily on the day the same bears date.**

Given under my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**MY COMMISSION EXPIRES:**