

Evans | Bowers

GEORGE LOTT
DIRECT DIAL: 404.850.6744
E-MAIL: glott@evansbowers.com

February 18, 2026

VIA HAND DELIVERY AND CERTIFIED
MAIL RRR, 9589 0710 5270 3788 9572 42

Mayor Douglas S. Hollberg
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9572 66

Mayor Douglas S. Hollberg
City of Griffin
125 N Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9572 59

Mayor Douglas S. Hollberg
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9572 73

Councilwoman Cynthia Reid Ward
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9572 80

Councilwoman Cynthia Reid Ward
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9572 97

Councilwoman Rose Curtis
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 03

Councilwoman Rose Curtis
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 10

Councilwoman Holly Murray
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 27

Councilwoman Holly Murray

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 34

Councilman Charles Wright

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 41

Councilman Charles Wright

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 58

Councilmember Zachery Fuller

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 65

Councilmember Zachery Fuller

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 72

Councilman Rodney McCord

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 89

Councilman Rodney McCord

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9573 96

Jessica O'Connor, City Manager

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9574 02

Jessica O'Connor, City Manager

P.O. Box T

Griffin, Georgia 30224

VIA HAND DELIVERY AND CERTIFIED MAIL RRR, 9589 0710 5270 3788 9574 19

Brandon M. Lewis

Director of Water and Wastewater

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9574 26

Brandon M. Lewis
Director of Water and Wastewater
P.O. Box T
Griffin, Georgia 30224

VIA HAND DELIVERY AND CERTIFIED

MAIL RRR, 9589 0710 5270 3788 9574 33

Jeremy Kenway
Director of Stormwater
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 3788 9574 40

Jeremy Kenway
Director of Stormwater
P.O. Box T
Griffin, Georgia 30224

Re: 60-Day Notice of Intent to Sue Pursuant to Section 505(b) of the Federal Water Pollution Control Act; Demand to Abate Nuisance and Trespass Pursuant to O.C.G.A. § 41-1-1; and Notice to Preserve Evidence and/or Spoliation Notice

Dear Mayor Hollberg, Director Lewis, Director Kenway, Manager O'Connor, Councilwoman Ward, Councilwoman Curtis, Councilwoman Murray, Councilman Wright, Councilmember Fuller, and Councilman McCord:

Please be advised that our office has been retained by Robert Sullins and Karol Sullins ("Mr. and Mrs. Sullins"), and that Southern Environmental Law Center ("SELC") has been retained by Flint Riverkeeper, Inc. ("FRK"), in connection with repeated, ongoing discharges of untreated sewage and other pollutants from the City of Griffin's (the "City") sanitary sewer system into Ison Branch, a tributary of Potato Creek in the Flint River Basin, in Griffin, Georgia and/or onto the Sullinses' property.

Pursuant to Section 505(b) of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA"), 33 U.S.C. § 1365(b), and 40 C.F.R. § 135.3, this letter serves to provide you with notice that the Sullinses and FRK intend to file a citizen lawsuit in federal court against you for violations of Section 402 of the Clean Water Act following sixty (60) days from the date of this letter. 33 U.S.C. §§ 1342. This letter will also serve as Mr. and Mrs. Sullins' second request for abatement of nuisance and trespass pursuant to O.C.G.A. § 41-1-1 *et seq.*¹ This notice is expressly submitted on behalf of Mr. and Mrs. Sullins and FRK, and on behalf of a putative class of all other persons and/or entities who presently own, rent, and/or reside on properties similarly situated on, around, or about tributaries and branches of Ison Branch or any organizations that may have an interest in the protection of Ison Branch, Grape Creek, Potato Creek, their tributaries, and the watershed. Thus, Mr. and Mrs. Sullins and FRK reserve the right to supplement and/or amend this notice in the future to include other persons.

¹ On November 18, 2025, the Sullinses served the City with an Ante Litem notice, attached hereto as Exhibit "A."

Notice of Intent to Sue Pursuant to Section 505(b) of the Clean Water Act

a. Parties Providing Notice

This notice, made pursuant to Section 505(b) of the Clean Water Act, is being provided on behalf of Robert and Karol Sullins who own the real property located at 1133 Pine Valley Road, Griffin, Georgia 30224 (Parcel No. 034 01010) and FRK whose mission is to restore and preserve the habitat, water quality, and flow of the Flint River and the Flint River Basin. Mr. Sullins' telephone number is 678-923-5730 and Mrs. Sullins' telephone number is 678-923-5735. However, because Mr. and Mrs. Sullins have retained counsel, all communications should be directed to George Lott or Amble Johnson at 404-850-6750, glott@evansbowers.com, or ajohnson@evansbowers.com. Alternatively, you may send written correspondence to Mr. Lott or Mr. Johnson at 729 Piedmont Ave NE, Atlanta, Georgia 30308. FRK's address is 102 Pine Ave, Albany, Georgia 31701 and its telephone number is 229-435-2241. However, all communications regarding FRK should be directed to its counsel at SELC: Hutton Brown, April Lipscomb, or William Snow at 404-521-9900 or hbrown@selc.org, alipscomb@selc.org, or wsnow@selc.org. Alternatively, SELC may receive written correspondence at Ten 10th Street NW, Suite 1050, Atlanta, Georgia 30309.

b. Activities Alleged to be Violations of the Clean Water Act and Dates of Violations

The City of Griffin owns, controls, manages, and operates a sanitary sewer system that transmits wastewater through the city and to its wastewater treatment facilities, including Blanton Mill Land Application System, Cabin Creek Wastewater Treatment Plant, Potato Creek Wastewater Treatment Plant, and Shoal Creek Wastewater Treatment Plant. Wastewater is supposed to be collected, transmitted to these wastewater treatment facilities, and discharged into surface waters in accordance with specific effluent limitations set forth in National Pollutant Discharge Elimination System ("NPDES") Permits issued by Georgia Environmental Protection Division ("EPD"), including Permit Nos. GA0020214 (Cabin Creek), GA0030791 (Potato Creek), and Land Application System ("LAS") Permit No. GA020036 (Shoal Creek – Blanton Mill).

However, over the past several years, the City's failing sanitary sewer system has experienced significant infiltration and inflow, particularly in the Potato Creek Basin. This allows stormwater to overload the system and causes untreated sewage and stormwater containing sewage to discharge from various manholes around the city, including three (3) manholes on and adjacent to the Sullinses' property, into Waters of the United States in violation of Section 402 of the Clean Water Act. The City's NPDES permits do not authorize the City to discharge raw, untreated sewage from its sanitary sewer system.

The Clean Water Act prohibits any person from discharging pollutants from a point source into waters of the United States except in compliance with the terms and limitations of a valid NPDES permit. 33 U.S.C. §§ 1311(a) and 1342. The Clean Water Act defines "pollutant" to include "sewage . . . sewage sludge . . . chemical wastes, biological materials . . . industrial, municipal . . . waste discharged into water." 33 U.S.C. § 1362(6). The Act defines "point source" to mean "any discernable, confined and discrete conveyance, including but not limited to any pipe,

ditch, channel, tunnel [or] conduit . . . from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

In sum, the City has failed to inspect, maintain, clean, repair, or otherwise service its sanitary sewer infrastructure which has caused and continues to cause ongoing illegal, unpermitted,² untreated sewage and stormwater containing untreated sewage to discharge from its sewer system, specifically from three (3) manholes on and adjacent to the Sullinses’ property that overflow during and immediately following rain events. The Sullinses have documented repeated overflows from these manholes, which are point sources, and which discharge directly onto the Sullinses’ property and into Ison Branch, a tributary of Potato Creek that flows to the Flint River. Ison Branch is a Water of the United States. The City is responsible for these past and ongoing illegal point sources discharges into Ison Branch which have occurred numerous times over the past several years, including on January 7, 2019, February 6, 2020, February 18, 2020, March 5, 2020, August 25, 2020, September 27 2020, July 27, 2021, October 6, 2021, February 4, 2022, March 27, 2023, August 1, 2023 to August 18, 2023, January 9, 2024, January 25, 2024, February 12, 2024, March 5, 2024, August 26, 2024, June 10, 2025, and August 4, 2025. Indeed, water quality sampling data has shown elevated E. coli counts that far exceed water quality standards for many of these events.

c. Location of Illegal Discharges

As stated above, the City has discharged thousands of gallons of raw sewage from its sanitary sewer system into Ison Branch, and tributaries and branches of Grape Creek and Potato Creek, and onto the Sullinses’ property on numerous occasions. The illegal discharges occur at three (3) locations, specifically from three (3) manholes on and adjacent to the Sullinses’ property.

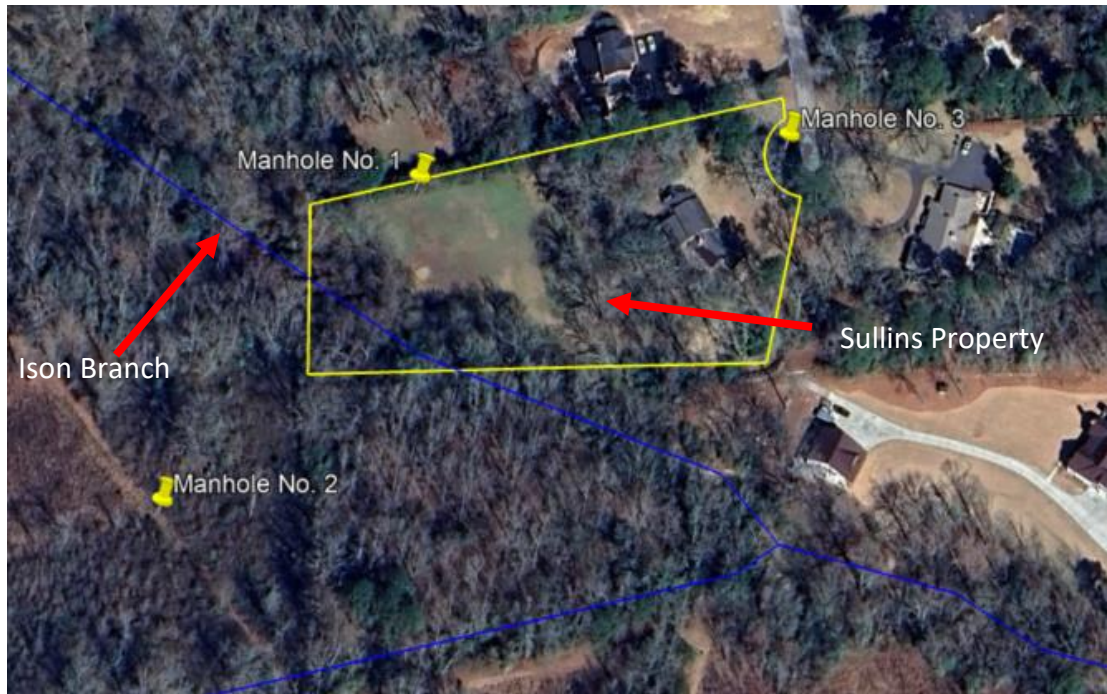
Manhole No. 1 is located on the Sullinses’ property at approximate coordinates of 33.22301 N, 84.25726 W. Manhole No. 1 has overflowed and discharged onto the Sullinses’ property numerous times, including on January 7, 2019, February 6, 2020, February 18, 2020, March 5, 2020, August 25, 2020, September 27 2020, July 27, 2021, October 6, 2021, February 4, 2022, March 27, 2023, January 9, 2024, January 25, 2024, February 12, 2024, March 5, 2024, August 26, 2024, June 10, 2025, and August 4, 2025.

Manhole No. 2 is located across Ison Branch from the Sullinses’ property at approximate coordinates of 33.221978 N, 84.258256 W. Manhole No. 2 has overflowed and discharged into Ison Branch on the Sullinses’ property, including a period of constant overflow from August 1, 2023 to August 18, 2023.

Manhole No. 3 is located on Pine Valley Road at approximate coordinates of 33.223128 N, 84.255847 W. Manhole No. 3 has overflowed and discharged onto the Sullinses’ property numerous times, including as recently as February 12, 2024.

² In the event these discharges are covered by the City’s NPDES Permits, they are in violation of the permit as they exceed the imposed effluent limitations for Fecal Coliform Bacteria.

Figure 1: Locations of Known Point Source Discharges (manholes)



Within the next sixty (60) days, the Sullinses and FRK request that you please cease the above-described discharges and remediate Ison Branch. Unless the violations described in this letter are rectified on terms acceptable to Mr. and Mrs. Sullins and FRK, the Sullinses and FRK intend to proceed with their Clean Water Act claim following sixty (60) days from the date of this letter.

Demand to Abate Nuisance and Trespass

In addition to Mr. and Mrs. Sullins' notice letter, this letter is the Sullinses' second demand that you abate all sewage discharges onto their property and into Ison Branch. If you do not stop the sewage discharges, remediate the impaired property, repair the sanitary sewer system, and resolve the Sullinses' claim for damages within the next thirty (30) days, Mr. and Mrs. Sullins will have no reasonable alternative but to file a lawsuit for violations of well-settled state law.

Notice to Preserve Evidence and/or Spoliation Notice

Finally, we are once again formally notifying you of your legal obligation to preserve all evidence relevant to this matter. If you fail to properly secure and preserve this evidence, it will constitute spoliation and give rise to a legal presumption that the evidence would have been harmful to your side of the case. This includes any data, photos and videos, studies, water quality sampling, testing, and results, investigative records, and any e-mails/text messages relating to the City of Griffin's sanitary sewer system.

If you believe that this notice is incorrect in any respect, if you have questions about this notice letter, or if you are otherwise interested in discussing this letter, please contact the undersigned counsel. As counsel for Mr. and Mrs. Sullins and FRK, we respectfully request that you immediately respond to this demand. Kindly be advised that you are not permitted to contact the Sullinses or FRK directly nor are you permitted to enter upon the Sullinses' property without the presence of the undersigned counsel.

We remain open and committed to discussing this matter within the next thirty (30) and/or sixty (60) days as appropriate. Upon expiration of the applicable period, we intend to promptly move forward with filing suit.

Sincerely,

/s/ George Lott
George Lott
Amble Johnson
*Counsel for Robert and
Karol Sullins*

/s/ Hutton Brown
Hutton Brown
April Lipscomb
*Counsel for Flint
Riverkeeper, Inc.*

cc:

VIA CERTIFIED MAIL, RRR
NO. 9589 0710 5270 3788 9574 57

Kevin A. Doyle, Esq.
8425 Dunwoody Place
Atlanta, Georgia 30350

VIA CERTIFIED MAIL, RRR
NO. 9589 0710 5270 3788 9574 64

Andrew J. Whalen III, Esq.
100 S Hill Street, Suite 524
Griffin, Georgia 30223

VIA CERTIFIED MAIL, RRR
NO. 9589 0710 5270 3788 9574 71

Kelsey Carden, Esq.
100 S Hill Street
P.O. Box T
Griffin, Georgia 30224

February 18, 2026

Page 8

VIA CERTIFIED MAIL, RRR

NO. 9589 0710 5270 3788 9542 96

Pamela Bondi, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NE
Washington, D.C. 20530-0001

VIA CERTIFIED MAIL, RRR

NO. 9589 0710 5270 3788 9574 88

The Hon. Lee Zeldin, Administrator, U.S. EPA
Environmental Protection Agency
USEPA William Jefferson Clinton Building North
Office of the Administrator – 1101A
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

VIA CERTIFIED MAIL, RRR

NO. 9589 0710 5270 3788 9574 95

Kevin J. McOmber, P.E., Regional Administrator
U.S. EPA, Region 4
Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, Georgia 30303-3104

VIA CERTIFIED MAIL, RRR

NO. 9589 0710 5270 3788 9575 01

Jeff Cown, Director
Georgia Environmental Protection Division
2 Martin Luther King, Jr. Drive, SE
Suite 1456, East Tower
Atlanta, Georgia 30334-9000

Evans | Bowers

GEORGE LOTT
DIRECT DIAL: 404.850.6744
E-MAIL: gloTT@evansbowers.com

November 14, 2025

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6103 80
Mayor Douglas S. Hollberg
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6103 97
Mayor Douglas S. Hollberg
City of Griffin
125 N Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6104 03
Mayor Douglas S. Hollberg
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6104 10
Councilwoman Cynthia Reid Ward
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6104 27
Councilwoman Cynthia Reid Ward
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6104 34
Councilwoman Rose Curtis
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6103 11
Councilwoman Rose Curtis
P.O. Box T
Griffin, Georgia 30224

VIA CERTIFIED MAIL
RRR, 9589 0710 5270 1190 6103 28
Councilwoman Holly Murray
City of Griffin
100 S Hill Street
Griffin, Georgia 30223

November 14, 2025

Page 2

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6103 04

Councilwoman Holly Murray

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6103 35

Councilman Charles Wright

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6103 42

Councilman Charles Wright

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6103 59

Councilman Truman L. Tinsley, III

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6103 66

Councilman Truman L. Tinsley, III

P.O. Box T

Griffin, Georgia 30224

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6103 73

Councilman Rodney McCord

City of Griffin

100 S Hill Street

Griffin, Georgia 30223

VIA CERTIFIED MAIL

RRR, 9589 0710 5270 1190 6106 56

Councilman Rodney McCord

P.O. Box T

Griffin, Georgia 30224

Re: Ante Litem Notice Pursuant to O.C.G.A. § 36-33-5 and Claim for Damages

Dear Mayor Hollberg, Councilwoman Ward, Councilwoman Curtis, Councilwoman Murray, Councilman Wright, Councilman Tinsley, and Councilman McCord:

Please be advised that our office has been retained by Robert and Karol Sullins (“Mr. and Mrs. Sullins”) regarding past and ongoing damage to their real property located at 1133 Pine Valley Road, Griffin, Georgia 30224 (Parcel No. 034 01010) (the “Sullins Property”). The Sullinses’ damages arise from repeated untreated sewage discharges from the City of Griffin’s unmaintained and failing sanitary sewer lines. This letter shall serve as the Sullinses’ ante litem notice pursuant to O.C.G.A. § 36-33-5, setting forth “as nearly as practicable” the time, place, and extent of the injury, and the negligence which caused the injury. Mr. and Mrs. Sullins further demand that the City of Griffin (the “City”) take all necessary and appropriate steps to abate the sewage discharges that have created a nuisance and/or trespass to and/or inverse condemnation of their property without just compensation. Thus, this letter shall also serve as the Sullinses’ notice

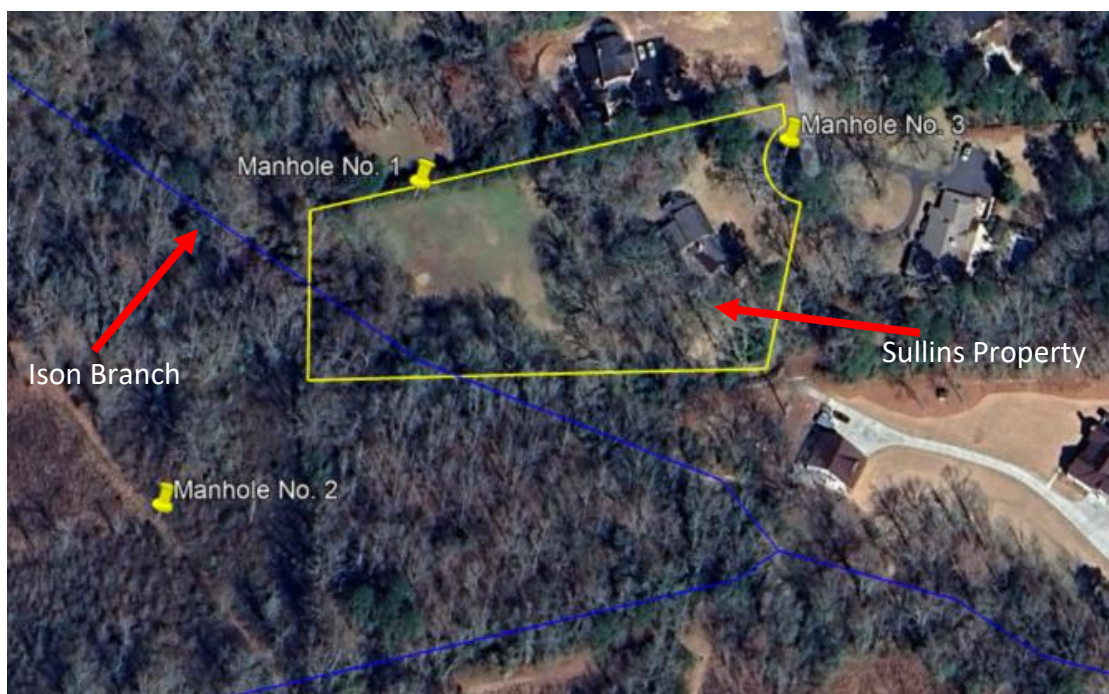
of claim and request for abatement of nuisance and trespass pursuant to O.C.G.A. §§ 41-1-1 *et seq.*, O.C.G.A. § 51-9-7, O.C.G.A. § 51-9-1, and other laws.

As referenced herein, the Sullinses' claims are predicated on extensive damage to their property caused by the City's failure to inspect, maintain, clean, repair, or otherwise service its sanitary sewer infrastructure. The City's failures have caused and continue to cause untreated sewage discharges from the sewer system, specifically from three (3) manholes on and adjacent to the Sullins Property that overflow during and immediately following rain events. Over the past several years, the Sullinses have documented repeated overflows from these manholes which discharge directly onto the Sullins Property and into Ison Branch.

Manhole No. 1 is located on the Sullins Property at approximate coordinates of 33.22301 N, 84.25726 W. Manhole No. 1 has overflowed and discharged onto the Sullins Property numerous times, including on January 7, 2019, February 6, 2020, February 18, 2020, March 5, 2020, August 25, 2020, September 27 2020, July 27, 2021, October 6, 2021, February 4, 2022, March 27, 2023, January 9, 2024, January 25, 2024, February 12, 2024, March 5, 2024, August 26, 2024, June 10, 2025, and August 4, 2025.

Manhole No. 2 is located across Ison Branch from the Sullins Property at approximate coordinates of 33.221978 N, 84.258256 W. Manhole No. 2 has overflowed and discharged into Ison Branch on the Sullins Property, including a period of constant overflow from August 1, 2023 to August 18, 2023.

Manhole No. 3 is located on Pine Valley Road at approximate coordinates of 33.223128 N, 84.255847 W. Manhole No. 3 has overflowed and discharged onto the Sullins Property numerous times, including as recently as February 12, 2024.



Despite having notice and having been repeatedly put on notice of these discharges, the City has failed to address the causes. The City's failure to adequately inspect, maintain, service, and/or repair its infrastructure has caused substantial interference with the Sullinses' use and enjoyment of their property, extensive damage to Ison Branch, annoyance, inconvenience, and a reduction in the Sullinses' property value, among other harms. The City's intentional and negligent conduct in the exercise of its duties to maintain its sanitary sewage infrastructure has substantially hurt, inconvenienced, and damaged the Sullinses within the meaning of O.C.G.A. § 41-1-1, is an invasion of their property constituting trespass, and has taken and damaged their property without compensation, resulting in the inverse condemnation of their property.

It is uncontroverted that the sewer system that caused and continues to cause untreated sewage discharges onto the Sullins Property is owned, controlled, and/or operated by the City. It is further undeniable that the City is under a duty to maintain the system. Given the City's history of issues with its sewer infrastructure, in addition to the repeated notice given by the Sullinses, the City knew or should have known that its actions and inactions have created and maintained dangerous conditions for its residents, namely Mr. and Mrs. Sullins. Failure to rectify those conditions caused and continues to cause the Sullinses significant damage. Thus, the City is liable for negligently maintaining its sewer system in such a way that allowed overflows and resulting contamination to the Sullins Property.

Where a city creates a trespass upon or creates, maintains, or controls a nuisance that damages private property to the extent that the damage could be considered a taking of that property, then the city is held liable for damages that would be recoverable in an action for inverse condemnation. *See Petree v. Dep't of Transp.*, 340 Ga. App. 694, 702-03 (2017). By the City's actions and failures, it has taken the Sullins Property for a public purpose without payment of just and adequate compensation. The City's intentional and negligent conduct in creating and maintaining a nuisance has caused uncompensated damage to the Sullins Property. The 5th Amendment to the U.S. Constitution, as applied to the states through the 14th Amendment of the same, prohibits the taking of private property for a public purpose without payment of just compensation. The more restrictive Georgia constitution, at Article I, § III, ¶ 1(a) states that "private property may not be taken or damaged for public purposes without just compensation being first paid."

In summary and pursuant to O.C.G.A. § 36-33-5(b)'s requirement that the claim presented set forth "as nearly as practicable" the time, place, and extent of the injury, and the negligence which caused the injury, the Sullinses have documented discharges on numerous occasions, including as recently as August 4, 2025. The place is the Sullinses' home, which is their real property located at 1133 Pine Valley Road, Griffin, Georgia 30224 (Parcel No. 034 01010). The extent of the injury, that is, the nature, character, and particulars thereof, is, as described above, repeated discharges from manhole overflows, which have caused substantial interference with the Sullinses' use and enjoyment of their property, extensive damage to Ison Branch, and reduction in property values, among other injury attendant to such water intrusion. The City's negligence (as well as intentional conduct) is, as described above, its failure to maintain its sanitary sewage infrastructure despite knowledge of the discharges and its role in causing discharges. If you contend that this notice fails to provide you enough information to enable you to conduct an

investigation to determine if the claim should be settled without litigation, please immediately identify the additional information you contend is necessary for you to conduct such investigation.

If we are forced to file a lawsuit against the City to obtain appropriate relief, we will seek an injunction requiring it to abate the nuisance as well as all available monetary relief including indemnity and damages for the full extent of the injury to the Sullins Property, taking, inverse condemnation, attorneys' fees, expenses of litigation, aggravation, annoyance, inconvenience, and discomfort. The Sullinses' causes of action will likely include claims of nuisance, trespass, negligence, negligence per se, inverse condemnation, taking, unjust enrichment and payment of the Sullinses' costs, expenses of litigation, expert fees, and attorneys' fees. Prior to receiving this notice and demand, the City had notice of the situation, the danger it posed, and the hazards it created. Nonetheless, the City failed and refused to correct the issues, despite ample opportunity to do so. By the City's intentional and negligent conduct described above, the City created, maintained, and controlled a dangerous condition which caused the hurt, inconvenience, and injury complained of in this letter. The City has also, for these same reasons, acted in bad faith, been stubbornly litigious, and has caused the Sullinses unnecessary trouble and expense, for which it should be required to pay the Sullinses' expenses of litigation including attorney's fees pursuant to O.C.G.A. § 13-6-11.

Notwithstanding the foregoing, the Sullinses are committed to negotiating in good faith to try to resolve this dispute without litigation. Thus, pursuant to O.C.G.A. § 36-33-5(e), the Sullinses will accept \$3,110,000.00 to settle their claims. In accordance with O.C.G.A. § 36-33-5(c), upon the presentation of this notice, Griffin shall have thirty (30) days to respond to the Sullinses' demand to "consider and act upon the claim."

Sincerely,



George Lott