

CLAIM OF: **GEICO**
as subrogee of **DOUG VISNISKI**
One Geico Center
Macon, Georgia 31296-0001

For damages alleged to have been sustained as a result of a vehicular accident on November 2, 1999 at 1257 Moreland Avenue, SE.

BY: **PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **GEICO as subrogee of DOUG VISNISKI** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of vehicular accident on November 2, 1999 at 1257 Moreland Avenue, SE as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: **SUSAN PEASE LANGFORD**
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COM. *Public Safety*

DATE *7/17/2000*

CHA. *C. T. Martin*

Robert Gardner

James

Susan Pease Langford

CONSENT AGENDA

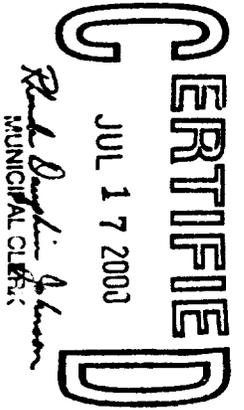
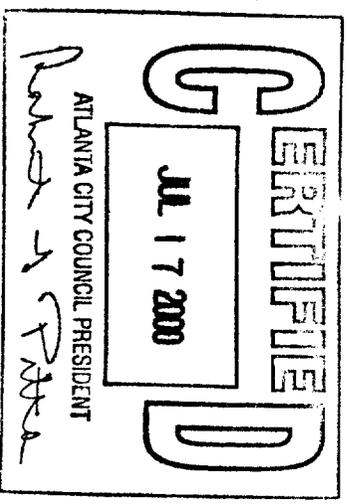
ADOPTED BY
JUL 17 2000

COUNCIL

JUL 26 2000

APPROVED

WITHOUT SIGNATURE
BY OPERATION OF LAW





**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1054

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **GEICO as subrogee of Doug Visniski** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a **vehicular accident on November 2, 1999 at 1257 Moreland Avenue, SE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

JULY 17, 2000

JULY 26, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0205

Date: June 29, 2000

Claimant/Victim DOUG VISNISKI
BY: (Atty) (Ins. Co.) GEICO DIRECT
Address: One Geico Center, Macon Georgia 31296-0001
Subrogation: X Claim for Property damage \$ 17,023.73 Bodily Injury \$
Date of Notice: 4/4/00 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/2/99 Place: 1257 Moreland Avenue, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Leon Manigault Disciplinary Action: 30 day suspension

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was rear-ended by a city vehicle that was following too closely. The city employee was cited for same.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 06-29-00
Committee Action: Council Action



1-800-841-3000

- Government Employees Insurance Company
- GEICO General Insurance Company
- GEICO Indemnity Company
- GEICO Casualty Company
- Criterion Insurance Agency, Inc.
(Colonial County Mutual Ins.)

BURNS
04/04/00

ONE GEICO CENTER
MACON, GEORGIA 31296-0001

ENTERED - 4-10-00 - SB
00LO205 - GWEN BURNS March 3, 2000

City Of Atlanta Claims Legal
675 Ponce De Leon Ave.
Atlanta, GA 30317-1329

CLAIM NUMBER: 0127337310101020 LOSS DATE: 11/02/99
INSURED: Doug Wisniski

YOUR CLAIM NUMBER: Leon Maniqualt
YOUR INSURED: City Of Atlanta Public Works

GEICO INDEMNITY AMOUNT: \$17,023.73
PLUS INSURED'S DEDUCTIBLE: \$1000

Dear Ms. Diane Mitchell:

We request that you please review this claim, approve it and forward prompt payment to us. The pertinent file material is enclosed. Please indicate our claim number on your check and make the check payable to GEICO INDEMNITY COMPANY as subrogee of Doug Wisniski.

This letter will serve as notice of our payment recovery claim and constitutes a sincere effort to settle as required by conditions precedent to arbitration as stated by the Automobile and Property Subrogation Arbitration Agreement.

Very truly yours,

JENNIFER MORGAN S708

PAYMENT RECOVERY UNIT 800-841-9160 x5237
GEICO INDEMNITY COMPANY

35

PLEASE REFER TO OUR CLAIM NUMBER WHEN
WRITING OR CALLING ABOUT THIS CLAIM

SL6

CLL14

PROPERTY DAMAGE RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0205

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND DOLLARS AND NO/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, including but not limited to Leon Manigault from any and all **property damage** claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 2nd day of November, 1999, at or near 1257 Moreland Avenue, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 26 day of June, 19 2000.

Debbie Cunningham (LS)
GEICO as subrogee of Doug Vigniski

_____ (LS)

The above release was read and explained to, and signed by the said GEICO as subrogee of Leon Manigault in our presence on the date above written.

Jennifer Wait
Peggy Saunders
WITNESSES

My Commission Expires June 30, 2001.

00-R-1054