

CLAIM OF: USAA,
as subrogee of
DAVID W. TASCARELLA
9800 Fredericksburg Road
San Antonio, Texas 78288

For damages alleged to have been sustained as a result of an automobile accident on April 25, 2008 at 2715 Peachtree Road, NE and Andrews Drive, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **USAA, as subrogee of DAVID W. TASCARELLA** the sum of **\$35,264.51** 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 an automobile accident on April 25, 2008 at 2715 Peachtree Road, NE and Andrews Drive, NE as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

JAN 19 2010

CERTIFIED
JAN 19 2010

Rachel Douglas Johnson
MUNICIPAL CLERK

APPROVED: **ROGER BHANDARI**
ACTING CITY ATTORNEY

APPROVED

[Signature]
MAYOR

BY: *[Signature]*
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/12/10

CHAIR: _____

[Signature]

[Signature]

[Signature]

ADOPTED BY

COUNCIL,

JAN 19 2010



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

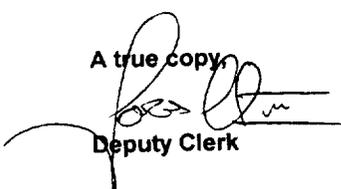
10-R-0071

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **USAA as subrogee of David W. Tascarella** the sum of **\$35,264.51** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **an automobile accident on April 25, 2008 at 2715 Peachtree Road and Andrews Drive, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

JAN 19, 2010
JAN 25, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L0475

Date: December 18, 2009

Claimant /Victim DAVID W. TASCARELLA

BY:(Atty.)(Ins. Co.) USAA

Address: 9800 Fredericksburg Road San Antonio, Texas 78288

Subrogation: Claim for Property damage \$ 35,695.57 Bodily Injury \$ _____

Date of Notice: 05/13/08 Method: Written, proper Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)

Date of Occurrence 04/25/08 Place: 2715 Peachtree Road, NE and Andrews Drive, NE

Department Watershed Management Bureau: Wastewater Treatment & Collections Division: _____

Employee involved Thurmond Burdette, Jr. Disciplinary Action: Written letter of reprimand/Defensive Driving Course

NATURE OF CLAIM: The driver of a city vehicle struck the claimant's vehicle while attempting to make an improper U-Turn causing damages in the above amount.

INVESTIGATION:

Statements: City employee Claimant _____ Others Written Oral

Pictures Diagrams _____ Reports: Police Dept Report Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial _____

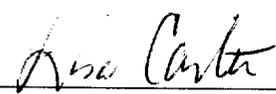
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent Joint _____ Claim Abandoned _____

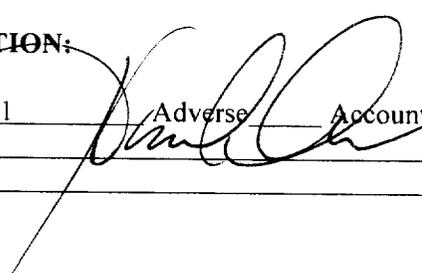
Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 35,264.51 Adverse _____ Account charged: 1A01 _____ 2J01 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 12/21/09

Committee Action: _____ Council Action _____



9800 Fredericksburg Road
San Antonio, Texas 78288

10- R -0071

CITY OF ATLANTA MUNICIPAL CLER
55 TRINITY AVE SW
ATLANTA GA 30303-3520

May 6, 2008

Reference: Request for payment
Attn: Claims,

ENTERED - 5-16-08 - SB
08L0475 - LISA CARTER

CARTER
05/13/08
R

We will be reimbursing our insured for damages sustained as a result of the loss listed below. Our investigation shows that your insured is responsible. This is notification that we intend to recover the amount we will be paying.

USAA policyholder: David W. Tascarella
Claim #: 4559832-7104-15-7972
Date of loss: April 25, 2008
Loss location: Atlanta, Georgia
USAA tax ID: 59-3019540
Your policyholder: City of Atlanta Water Shed Management
Your reference #: unk

Your employee, Thurmond Burdette, made a turn in front of my insured. He may have been cited. Olden Abraham, safety officer with the Division of Safety, came to the scene for the city. His number is 678-614-1200 or 404-624-0751 ext 663. My insureds 2007 Mercedes CLS 550 has damage estimated at \$19,926.43. This amount does not include the rental or any supplements. My insured was injured in the accident. Fulton County police responded to the scene, officer Robert Jackson (404-848-7231), but I do not have a case #.

Please let me know the your claim # and who will be handling this claim.

We ask that you not settle the claim with our insured without protecting our recovery rights.

If you need additional assistance, please call 1-800-531-8722, ext. 4-4082. I, or one of my co-workers, will assist you.

Sincerely,

Daniel Hawkins
USAA Southeast Regional Office
USAA Casualty Insurance Company

RCS# 17
1/19/10
1:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
B Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I