



MEMORANDUM

Office of the City Attorney

050730

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commissioners

DATE: December 12, 2005

FROM: City Attorney


CONSENT

SUBJECT: State Farm Mutual Automobile Insurance Company, as Subrogee of Paul Fisher and Paul Fisher, individually vs. Flossie Rebecca Welch; Alachua County Court; Case No.: 01-05-SC-4743

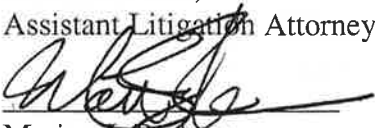
Recommendation: The City Commission authorize the City Attorney to represent the City and former City employee, Flossie Welch, in the case styled State Farm Mutual Automobile Insurance Company, as Subrogee of Paul Fisher and Paul Fisher, individually vs. Flossie Rebecca Welch; Alachua County Court; Case No.: 01-05-SC-4743.

On or about November 18, 2005, the City Attorney's Office was notified that a former City Employee was served with a Summons/Notice to Appear for Pre-Trial Conference and Complaint by State Farm Mutual Automobile Insurance Company, as Subrogee of Paul Fisher and Paul Fisher, individually. State Farm Mutual Automobile Insurance Company and Paul Fisher allege that on April 15, 2003, Paul Fisher's vehicle and a RTS vehicle driven by employee Flossie Welch collided. State Farm Mutual Automobile Insurance Company and Paul Fisher seek money damages.

Prepared by:


Daniel M. Nee,
Assistant Litigation Attorney

Submitted by:


Marion J. Radson,
City Attorney

DMN/cgow

IN THE COUNTY COURT, EIGHTH
JUDICIAL CIRCUIT, IN AND FOR
ALACHUA COUNTY, FLORIDA

CASE NO.: 0105 SC4743
DIVISION: IV

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,
as Subrogee of PAUL FISHER
and PAUL FISHER, individually,
Plaintiffs,

vs.
FLOSSIE REBECCA WELCH,
Defendant.

COMPLAINT

Plaintiffs, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,
as Subrogee of PAUL FISHER and PAUL FISHER, individually, sue
Defendant, FLOSSIE REBECCA WELCH, and allege:

1. This is an action for damages that exceed \$2,500.00, but
do not exceed \$5,000.00, exclusive of interest and costs.

2. On or about April 15, 2003, Defendant operated a motor
vehicle in Gainesville, Alchua County, Florida.

3. At that time and place, Defendant negligently operated
or maintained the motor vehicle so that it collided with the motor
vehicle owned by Plaintiff, PAUL FISHER, and driven by Craig Fisher.

4. As a result of Defendant's negligence, the motor vehicle
owned by Plaintiff, PAUL FISHER, was damaged and declined in value and
he lost the use thereof while same was being repaired.

5. At all times material hereto, Plaintiff, STATE FARM, had
in full force and effect a policy of automobile liability insurance
covering the motor vehicle owned by Plaintiff, PAUL FISHER.

6. As a direct and proximate result of Defendant's
negligence and pursuant to the terms and conditions of the
aforementioned policy of insurance, Plaintiff, STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY, was forced to pay the sum of \$3,224.87

Case: 2005 SC 004743

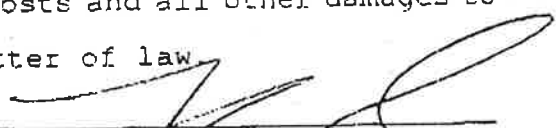


for the property damage to the motor vehicle owned by Plaintiff, PAUL FISHER.

7. As a further direct and proximate result of Defendant's negligence, Plaintiff, PAUL FISHER, was forced to pay a deductible and out-of-pocket expenses of \$639.71 as required by the terms and conditions of said policy of insurance.

8. As a result of the aforementioned payments and under the terms and conditions of said policy, Plaintiff, STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, has become subrogated to the rights of Plaintiff, PAUL FISHER.

WHEREFORE, Plaintiffs demand judgment against Defendant for damages, pre-judgment interest, court costs and all other damages to which Plaintiffs are entitled as a matter of law.


FRANCINE STAIR LANDAU
Florida Bar No. 303151
3219 Atlantic Boulevard
Jacksonville, Florida 32207
(904) 398-8488
Attorney for Plaintiffs

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F080-54475

IN THE COUNTY COURT, IN AND FOR
THE EIGHTH JUDICIAL CIRCUIT, ALACHUA COUNTY
COUNTY COURTHOUSE - 201 EAST UNIVERSITY AVENUE
P.O. BOX 600 - GAINESVILLE, FLORIDA 32602
PHONE: (352) 374-3618 FAX: (352) 338-3207

STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ASO PAUL FISHER
PAUL FISHER

PLAINTIFF

VS

FLOSSIE REBECCA WELCH
DEFENDANT

Case Number: 01 2005 SC 004743
Division: WALTER M GREEN - DIV IV

US MAIL
ALIAS

SUMMONS/NOTICE TO APPEAR FOR PRE-TRIAL CONFERENCE
STATE OF FLORIDA - NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

FLOSSIE REBECCA WELCH
3941 SW 17 LN APT G
GAINESVILLE FL 32607

STATE FARM MUTUAL AUTOMOBILE INSURANCE
COMPANY ASO PAUL FISHER

FRANCINE CLAIR LANDAU
1501 SAN MARCO BLVD
JACKSONVILLE FL 32207

DANIEL NEE ATTY
200 E UNIVERSITY AVE STE 425
GAINESVILLE FL 32601

You are hereby notified that you are required to appear in person or by attorney at the Alachua County Courthouse Courtroom 2-C on: **Friday, 12/16/2005, at 9:00 am** for a Pre-trial Conference before a Judge of this Court and for hearing as to reasonable attorney fees in the event of default.

You must advise the Clerk, in writing, of any change in your mailing address.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Alachua County Court Administrator at (352) 374-3648, within 2 working days of your receipt of this summons. If you are hearing or voice impaired, call 1-800-955-8771.

