



**ANDRIOTIS LAW FIRM, P.A.**  
SERVICE AND JUSTICE

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George C. Andriotis, Esq.

Personal Injury  
Wrongful Death  
Corporate Law  
Criminal Defense

August 14, 2013

**USAA Property and Casualty Company**

**Attn:** \_\_\_\_\_  
**9800 Fredericksburg Road**  
**San Antonio, Texas 78288**

Re:           Our Client:           \_\_\_\_\_

                  Your Insured:           \_\_\_\_\_

                  Date of Loss:           September 17, 2009

                  Claim Number:         \_\_\_\_\_

Dear Ms. \_\_\_\_\_:

This firm represents \_\_\_\_\_ in a claim for personal injury damages arising out of an automobile accident with \_\_\_\_\_. The accident occurred during afternoon rush hour on U.S. Highway 19, in Tarpon Springs, Florida. As you know, this was a serious collision which resulted in significant property damage to both vehicles. The purpose of this letter is to determine whether or not \_\_\_\_\_'s claims for uninsured/under insured motorist benefits can be resolved fairly and without the need for costly and unnecessary litigation.

**LIABILITY**

On September 17, 2009, \_\_\_\_\_ was the restrained driver of her 2002 Kia, Sedona, traveling southbound on U.S. Highway 19 near Mango Street. \_\_\_\_\_'s twin five year old daughters, \_\_\_\_\_ and \_\_\_\_\_ were passengers in the vehicle and both were restrained in safety seats. As \_\_\_\_\_ attempted to make a left turn across the northbound lanes of U.S. 19, vehicles in lanes 1, 2 and 3, which had stopped for heavy traffic, waived her through. \_\_\_\_\_ proceeded carefully to cross the final lane which was clear of any oncoming traffic when she suddenly noticed a vehicle traveling northbound in said lane at a high rate of speed. \_\_\_\_\_ immediately attempted to turn her vehicle at an angle as to offset the collision which was unavoidable. Unfortunately, the vehicle, driven by \_\_\_\_\_, was coming too fast and there was nothing \_\_\_\_\_ could do to avoid a collision.

There were no skid marks or any other indication that \_\_\_\_\_ ever applied his brakes or took any action to avoid striking \_\_\_\_\_'s vehicle. Witnesses at the scene stated that \_\_\_\_\_ was traveling at a high rate of speed. The investigating officer noted \_\_\_\_\_ was traveling at least 55 miles per hour through bumper to bumper rush hour traffic. It is our contention that \_\_\_\_\_ was traveling at an unsafe speed given the conditions. It is further our position \_\_\_\_\_ took no evasive action and never applied his brakes despite a large red mini van directly in his path of travel. When \_\_\_\_\_ initially observed the right turn lane, it was clear. It seems obvious that \_\_\_\_\_ illegally and suddenly changed lanes into the right turn lane to avoid stopped traffic in front of him.

We recognize that \_\_\_\_\_ may have been partially at-fault for this collision. However, there is no question that \_\_\_\_\_ was negligent in the operation of his vehicle and could have possibly avoided this collision if not for his speed and lack of due care. \_\_\_\_\_ and \_\_\_\_\_ were clearly not at fault for this accident in any way.

### **INJURIES AND MEDICAL TREATMENT**

Following this accident, \_\_\_\_\_ developed severe hematomas on her right breast and across her abdomen. The bruising on her right breast covered over half of her breast and was black for several days. These bruises were likely caused by her lap and shoulder belt during the impact. \_\_\_\_\_ reported headaches, neck pain, shoulder pain, chest pain, upper back pain, lower back pain, bilateral hip pain, dizziness, bilateral tingling and numbness in her arms and hands. Due to the severity of her symptoms, \_\_\_\_\_ was referred to an orthopedic surgeon for evaluation and treatment. Dr. Brian Maiocco determined that MRIs of her cervical spine and an MR Arthrogram of the right shoulder were indicated. Those results are as follows:

#### **Right Shoulder MR Arthrogram:**

1. Previous repair of the anterior and inferior labrum. There is a minor **recurrent anteroinferior labral tear, without periosteal stripping.**
2. Mild tendinopathy of the supraspinatus and infraspinatus.
3. Minor degenerative change of the acromioclavicular joint.

#### **Cervical Spine MRI:**

1. Posterior disc bulge/**extrusion at C4-5**, slightly effacing the ventral cord, contributing to canal stenosis.
2. Mild disc bulge approximating the cord at **C5-6, with annular tear**, contributing to mild canal stenosis.
3. Borderline-mild canal narrowing elsewhere, in part due to short posterior elements.
4. Mild reversal of normal cervical lordosis.

5. Borderline cerebellar tonsillar ectopia, appearing within normal limits for age.

**Upon review of the above positive findings, Dr. Maiocco has recommended a Right Shoulder Arthroscopy with Labral Repair.** That surgery is currently scheduled for November 30, 2009, and will take place at Helen Ellis Memorial Hospital.

Ms. Reschar has further been diagnosed with a possible **left bicep tear** and Dr. Maiocco has requested that she obtain an MRI of the left bicep.

**Dr. Maiocco performed a cervical facet injection at C4-5 and C5-6,** to alleviate some of her neck pain and has recommended additional injections in the future.

Ms. Reschar continues to receive care for her neck and right shoulder pain and will require additional treatment to include a left bicep MRI, chiropractic adjustments, cervical facet injections and the aforementioned right shoulder arthroscopy and labral repair.

Lacey Cole and her twin sister, Savannah Cole, have suffered headaches, neck stiffness and back pain since this accident occurred. They are both experiencing symptoms of anxiety while riding in the car and have had nightmares since this accident occurred. They have both treated conservatively with Dr. Shawn Hanson. Both girls were in excellent health prior to this collision and now suffer headaches, back aches and anxiety.

\_\_\_\_\_’s prior medical history includes a right shoulder repair of her anterior and inferior labrum in 1997, which had healed completely and for which \_\_\_\_\_ required no additional medical care. Additionally, \_\_\_\_\_ suffered prior cervical disc bulges from a motor vehicle accident that occurred on September 18, 2008. I have enclosed copies of \_\_\_\_\_’s prior cervical and brain MRI reports for you review. \_\_\_\_\_’s prior neck injury has now significantly and permanently worsened as a result of this accident.

### **DAMAGES AND DEMAND**

As a direct result of this accident, \_\_\_\_\_ has suffered an annular tear at C5-6 as well a full blown extrusion of the C4-5 disc. It is very likely that \_\_\_\_\_ will require surgical intervention in the near future for her cervical spine injuries.

\_\_\_\_\_ has been scheduled for Right Shoulder Arthroscopy with Labral Repair on November 30, 2009. Due to the amount of time \_\_\_\_\_ will miss from work, \_\_\_\_\_ sincerely hopes that this matter can be resolved prior to the surgery in the hopes that some of the net settlement proceeds can be used to cover her lost wages.

\_\_\_\_\_’s total medical bills to date equal approximately \$9,000.00. The cost of the surgery alone will be far in excess of all available auto insurance coverage. \_\_\_\_\_ has incurred medical bills in the amount of \$637.00 and \_\_\_\_\_ has incurred medical bills in the amount of \$687.00.

Based upon the foregoing, \_\_\_\_\_ has authorized me to extend an offer to settle her uninsured/under insured motorists claims for the total policy limits of \$10,000.00. \_\_\_\_\_ has further authorized me to settle her daughters' uninsured/under insured motorists claims in the amount of \$5,000.00 for Lacey Cole and \$5,000.00 for Savannah Cole.

Should you accept our offers, please forward your check, made payable to \_\_\_\_\_, a single woman and Andriotis Law Firm, her attorneys. In addition, we require the following information be provided:

1. A draft of any general release you require to be executed, in favor of USAA in the event of settlement. This general release shall only name these people and no other parties or entities.

My clients are not in a position to execute a Hold Harmless or Indemnification Agreement. Rather, I will accept responsibility for the payment of any valid liens or subrogation interest against the settlement funds.

The above documentation should be received by my office no later than thirty (30) days from the date of this correspondence. We will hold the checks in trust pending review of the additional information requested above and it would not be dispersed until such time as my client has determined whether to resolve this matter for the limits of the policy.

I look forward to receiving the Settlement draft and the other documents requested within the above-referenced time constraints. In the event that you find my settlement offer acceptable, my tax identification number is 26-3630342.

Sincerely,

**ANDRIOTIS LAW FIRM, P.A.**

George C. Andriotis, Esquire

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