



CITY OF TAMPA

CLIENT'S COPY

Pam Iorio, Mayor

Office of the City Attorney
David L. Smith
City Attorney

August 27, 2007

Joseph D. Magri, Esquire
Merkle & Magri, P.A.
5415 Mariner Street, Suite 103
Tampa, Florida 33609

RE: Barbara Orban v. City of Tampa, Florida
Case No.: 8:04-CV-1904-T-23MA

Dear Mr. Magri:

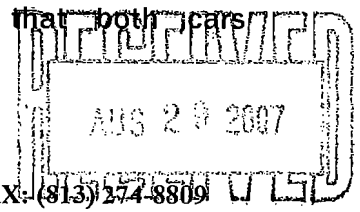
The City is in receipt of your letter dated, August 16, 2007, wherein you discuss your contention that there are false entries on the traffic crash report in this case and your suggestions for corrections.

The City was under the impression that the road condition had been corrected along with the name of the road in a 2001 amendment to the crash report. A review of our file indicates that the 2001 amendment only changed the name of the road. The City is in the process of trying to correct the road condition to reflect "wet" and not "dry". That change is based on the deposition testimony of Officer Bowden who recalled that it was wet on the date the citation was issued to your client. The ultimate determination of whether the road condition is allowed to be amended after seven (7) years will be determined and controlled by the Department of Highway Safety Motor Vehicles. If the City is able to accomplish this task; we will send a letter to Mrs. Novack about the change.

The additional corrections you suggest will remain unchanged for the following reasons:

(a) The contributing cause will remain "careless driving" vs. "other" because the officers determined, after investigation, that your client's careless driving was the reason she crashed into a stopped car.

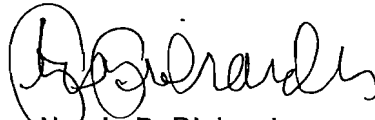
(b) At the time of this crash the instructions for filling out the crash report in the State of Florida seem to indicate that the safety equipment designation was to denote whether safety equipment was available on the vehicle involved and was merely for statistical purposes and not whether the safety equipment (i.e. the airbag) was actually deployed during the traffic crash. Therefore, the officer correctly noted that both cars involved in this incident were equipped with seatbelts and airbags.



(c) And finally, the narrative will remain unchanged because the officer's narrative in the report accurately reflects that your client's vehicle crashed into the rear of a stopped car and her explanation for why she hit a stopped vehicle is not required to be noted on the crash report. The narrative appropriately reflects *what* happened and not *why* it happened.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ursula D. Richardson". The signature is written in a cursive style with a large initial "U".

Ursula D. Richardson
Assistant City Attorney

cc:

Catherine Novack

John A. Makholm, Esquire