

LEGISTAR NO.

150432

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

CASE NO.:
DIVISION:

RUTHIE ARAD,

Plaintiff,

vs

CITY OF GAINESVILLE,

Defendant.

COMPLAINT

COMES NOW the Plaintiff, RUTHIE ARAD, by and through undersigned counsel, and sues the Defendant, CITY OF GAINESVILLE and alleges as follows:

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and interest.
2. The Plaintiff, RUTHIE ARAD, has complied with Florida Statute §768.28(6)(a) by sending a letter, which was dated May 21, 2014, giving notice of Plaintiff's intent to file suit against the City of Gainesville for the accident which arose January 3, 2014. A copy of the Plaintiff's letter and a copy of the certified receipts are attached hereto as Exhibit "A".
3. The six-month waiting period required by statute has expired and all conditions precedent to the filing of this action has been met by Plaintiff.
4. On or about January 3, 2014, and at all times relevant to these proceedings, Plaintiff, RUTHIE ARAD, was and continues to be a resident of Alachua County, State of Florida.

5. On or about January 3, 2014, Defendant, CITY OF GAINESVILLE, was a Municipal Corporation.
6. On or about January 3, 2014, and at all times material to these proceedings, the Defendant owned and maintained the sidewalk located on SW 31st Drive in Gainesville, Florida in front of Palm Villas Apartments.
7. On or about January 3, 2014, the Plaintiff lawfully went onto the aforesaid property as an invitee.
8. On or about January 3, 2014, the Defendant had a duty to exercise reasonable care for the safety of invitees.
9. On or about January 3, 2014, the Plaintiff sustained injuries as a result of a trip and fall that occurred on a public walking area on Defendant's premises.
10. The Plaintiff's injuries directly and proximately resulted from the negligence of the Defendant, to wit:
 - a. The Defendant was negligent in controlling/maintaining its premises in that a public walking area was unsafe or that a dangerous condition existed on the premises;
 - b. The Defendant was negligent in controlling/maintaining its premises in that it failed to provide a safe sidewalk for invitees; and/or
 - c. The Defendant was negligent in controlling/maintaining its premises in that it failed to inspect, warn of, and/or correct an unsafe or dangerous condition; more particularly, said Defendant allowed a gap and/or uneven and/or unsafely deteriorated public walking area to exist at or near the location of plaintiff's fall.

11. The unsafe and/or dangerous condition of the aforesaid premises was known to the Defendant or had existed for a sufficient length of time so that the Defendant should have known of its presence on or before January 3, 2014.
12. As a direct and proximate result of the Defendant's negligence, the Plaintiff, RUTHIE ARAD, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of ability to earn money, and aggravation of a previously existing condition. The Plaintiff's losses are permanent and continuing and the Plaintiff will suffer losses into the future.


WHEREFORE, the Plaintiff, RUTHIE ARAD, demands judgment for damages together with costs against the Defendant, CITY OF GAINESVILLE, and further demands a trial by jury as to all issues so triable.

Dated this 31st day of August, 2015.

Respectfully submitted,

FINE, FARKASH & PARLAPIANO, P.A.
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Gainesville, Florida 32601
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(352) 376-6046

BY:


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Florida Bar Number: 0331317

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May 21, 2014

VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Department of Financial Services
Division of Risk Management
200 East Gaines Street
Tallahassee, Florida [REDACTED]

Ed Braddy, Mayor and Chairman
Gainesville City Commission
P.O. Box 490 Station 19
Gainesville, FL 32627-0490

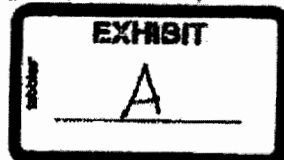
Russ Blackburn, City Manager
City of Gainesville
P.O. Box 490 Station 6
Gainesville, FL 32627-0490

Teresa Scott, P.E.
City of Gainesville – Public Works
P.O. Box 490 Station 58
Gainesville, FL 32627-0490

RE: My Client: Ruthie Arad
Date of Loss: January 3, 2014

To Whom It May Concern:

In accordance with the provision of Chapter 768 of the Florida Statutes, please be advised that my office has been retained by Ruthie Arad for personal injuries she sustained in an accident on January 3, 2014. This letter will serve as formal notice of Ruthie Arad's claim against the City of Gainesville for personal injuries suffered by Ruthie Arad as a result of a her tripping on a section of the sidewalk at the Palm Villas Apartment, located at 4203 S.W. 31st Drive, Gainesville, Florida 32608.



Orlando
352-054-5031

Palatka
386-328-6518

St. Augustine
804-829-1947

Deerwood
352-486-2005

Lake City
386-753-9104

Gainesville
352-372-7777

I. LIABILITY

Our investigation reveals that the cause of the accident was inadequate maintenance of the sidewalk at 4203 S.W. 31st Drive by the City of Gainesville, Public Works Department. On January 3, 2014, Ruthie Arad was jogging on the sidewalk in front of Palm Villas Apartment when she tripped on an uneven section of the sidewalk. Given the above we intend to file suit against the City for the inadequate maintenance of the sidewalk at 4203 S.W. 31st Drive, Gainesville, Florida.

This letter will serve to provide written notice per Chapter 768 of the Florida Statutes of Ruthie Arad's claim. Ms. Arad is currently treating for her injuries. When Ms. Arad reaches Maximum Medical Improvement we will submit a demand for your review and response. As required by section 768.28(6) (c) the following personal information concerning Ms. Arad is provided:

Date of Birth:	August 18, 1978
Social Security No.:	██████████
Date of Accident:	January 3, 2014
Place of Birth:	Oklahoma City, OK
Adjudicated Unpaid Claims in Excess of \$200:	Ms. Arad is unaware of prior adjudicated unpaid claims in excess of \$200.00.

Should there be any other party that must receive notice of this correspondence; I am herein requesting that you immediately notify the undersigned in writing stating the exact name, title and address of said party.

Yours truly,

Cherie H. Fine, Esquire

CHF/lh