



MEMORANDUM

Office of the City Attorney

041074

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TO: Mayor and City Commissioners

DATE: March 14, 2005

FROM: City Attorney


CONSENT

SUBJECT: Carlton L. Thomas v. City of Gainesville and Barry M. Kays; Alachua County Circuit Court; Case No. 01-05-CA-677

Recommendation: The City Commission authorize the City Attorney to represent the City of Gainesville and Barry M. Kays in the case styled Carlton L. Thomas v. City of Gainesville and Barry M. Kays; Alachua County Circuit Court; Case No. 01-05-CA-677.

The City of Gainesville and GPD Corporal Barry M. Kays were served with a summons and complaint on February 28, 2005, and February 25, 2005, respectively. The Plaintiff alleges that on or about November 22, 2002, a GPD vehicle driven by Barry M. Kays collided with the Plaintiff's vehicle. Plaintiff Carlton Thomas alleges that he was injured as a result of the accident.

Prepared by:


Daniel M. Nee,
Assistant Litigation Attorney

Submitted by:


Marion J. Radson,
City Attorney

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

CASE NO. 01-05-CA-677
K

CARLTON L. THOMAS,

Plaintiff,

vs.

CITY OF GAINESVILLE and
BARRY M. KAYS,

Defendants.
_____ /

RECEIVED BY ALACHUA
COUNTY CLERK OF COURT
DATE: Feb. 11, 2005

COMPLAINT

Plaintiff, CARLTON L THOMAS, sues the Defendants, CITY OF GAINESVILLE and BARRY M. KAYS, and alleges:

- 1 This is an action for damages that exceed \$15,000.00
- 2 Plaintiff has provided notice pursuant to Section 768.28, Florida Statutes.
- 3 On or about November 22, 2002, Defendant, CITY OF GAINESVILLE, owned a motor vehicle being driven by Defendant, BARRY M. KAYS, on N W. 12th Street near its intersection with N W 7th Avenue, in Gainesville, Alachua County, Florida.
- 4 At that time and place, Defendant, BARRY M. KAYS, negligently operated or maintained the motor vehicle so that it collided with the motor vehicle driven by the Plaintiff
- 5 As a result, Plaintiff 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 earnings, loss of ability to earn money, and/or aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

Plaintiff's automobile was damaged and he lost the use of it during the period required for its repair or replacement.

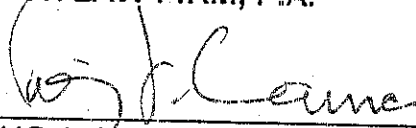
WHEREFORE, Plaintiff, CARLTON L. THOMAS, demands a judgment against the Defendants, CITY OF GAINESVILLE and BARRY M. KAYS.

DEMAND FOR TRIAL BY JURY

Plaintiff, CARLTON L. THOMAS, demands that all issues raised herein be tried by jury

THE CANNON LAW FIRM, P.A.

By:


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