

LEGISTAR NO.

110553

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

JOHN E. FOWLER and
LYNDAL G. FOWLER,
husband and wife,

CASE NO.:
DIVISION:

Plaintiffs,

vs.

TERYL WARREN and
THE CITY OF GAINESVILLE,
a municipal corporation,

Defendants.

COPY

COMPLAINT

COME NOW the Plaintiffs, JOHN E. FOWLER and LYNDAL G. FOWLER, husband and wife, and sue Defendants, TERYL WARREN and CITY OF GAINESVILLE, and in support thereof alleges as follows:

COUNT I: JOHN FOWLER

1. This is an action for damages which exceed FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of costs and attorney's fees.
2. On or about 1:40 pm on January 3, 2011 Defendant, CITY OF GAINESVILLE ("CITY"), owned a GMC City of Gainesville work truck #G300 that was operated with CITY'S consent by CITY'S employee, Defendant TERYL WARREN, in the course and scope of his employment, on University Avenue in Alachua County, Florida.
3. At that time and place CITY'S vehicle was negligently operated or maintained such that it crashed into the Plaintiffs' motor vehicle by running in to the back of it, causing a rear-end collision.

4. As a result Plaintiff, JOHN E. FOWLER, suffered bodily injury, including permanent injury to the body as a whole within a reasonable degree of medical probability, as well as aggravation of a preexisting condition, including pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of medical and nursing care and treatment, loss of earnings, and loss of ability to lead and enjoy a normal life. These losses are either permanent or continuing and the Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, JOHN E. FOWLER, demands judgment against Defendants TERYL WARREN and CITY OF GAINESVILLE, in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest, costs and such other relief as this Court may deem just and proper under the circumstances, and a trial by jury of all issues so triable.

COUNT II: LYNDAL FOWLER

5. Plaintiff, LYNDAL G. FOWLER, re-alleges and incorporates by reference paragraphs 1-4 as if fully set forth herein, and further states:

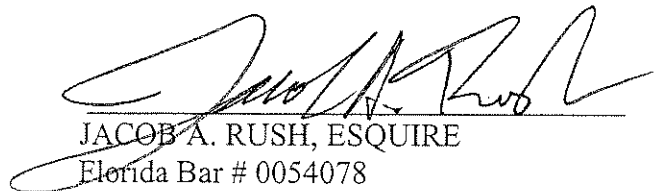
6. At that time and place Defendant, TERYL WARREN, negligently operated or maintained the motor vehicle so that it caused a crash into the vehicle in which Plaintiff, LYNDAL G. FOWLER, was a passenger.

7. As a result Plaintiff, LYNDAL G. FOWLER, suffered bodily injury, including permanent injury to the body as a whole within a reasonable degree of medical probability, as well as aggravation of a preexisting condition, including pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of medical and nursing care and treatment, loss of earnings, and loss of ability to lead and enjoy a normal life. These losses are either permanent or

continuing, and the Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, LYNDAL G. FOWLER, demands judgment against Defendants TERYL WARREN and CITY OF GAINESVILLE, jointly and severally, in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest, costs and such other relief as this Court may deem just and proper under the circumstances, and a trial by jury of all issues so triable

LAW OFFICE of RUSH & GLASSMAN

A handwritten signature in black ink, appearing to read "Jacob A. Rush", is written over a horizontal line. The signature is fluid and cursive.

JACOB A. RUSH, ESQUIRE

Florida Bar # 0054078

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Gainesville, FL 32601

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Attorney for Plaintiffs