

**LEGISTAR NO.**

**150482**

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

CASE NO.:  
DIVISION:

CHAD SMITH,

Plaintiff,

vs.

THE CITY OF GAINESVILLE,

Defendant.

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**COMPLAINT**

COMES NOW, the Plaintiff, CHAD SMITH, by and through the undersigned counsel, and hereby sues the Defendant, THE 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 interest, attorney's fees, and costs.
2. At all times material hereto, the Plaintiff, CHAD SMITH, was a resident of Tallahassee, Leon County, Florida.
3. At all times material hereto, the Defendant, THE CITY OF GAINESVILLE, was and is an incorporated city within Alachua County, Florida, and has waived its sovereign immunity by virtue of Fla. Stat. §768.28.
4. The accident, which is the basis of this action, occurred in Daytona Beach, Volusia County, Florida.
5. All conditions precedent to the filing of this action have been performed, occurred, or otherwise waived, including specifically and without limitation the notice of claims as required by Fla. Stat. §768.28, which have been forwarded to the Defendant(s) herein. Copies of the notice of claims are attached collectively hereto as **Exhibit "A."**

6. The accident, which is the basis of this action, occurred in Edgewater, Volusia County, Florida.

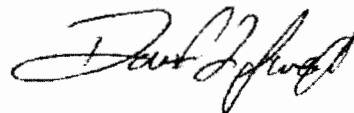
7. On or about November 12, 2013 an employee of the Defendant, THE CITY OF GAINESVILLE, owned and operated a city bus at or near the intersection of North West 13<sup>th</sup> Street and University Avenue in Gainesville, Alachua County, Florida.

8. At the above mentioned time and place, an employee of the Defendant, THE CITY OF GAINESVILLE, negligently operated or maintained a city bus owned by the Defendant, THE CITY OF GAINESVILLE, so the driver of the bus lowered the bus' wheelchair ramp onto the Plaintiff, CHAD SMITH, who was riding his bicycle, causing the Plaintiff to crash his bicycle, and causing Plaintiff injuries.

9. As a result the Plaintiff, CHAD SMITH, 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 the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, CHAD SMITH, demands judgment against the Defendant, THE CITY OF GAINESVILLE, for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, attorney's fees, and costs, and the Plaintiff demands a trial by jury.

RUE & ZIFFRA



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