

**LEGISTAR NO.**

**120338**

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

ROBERT WILLIAMS, and  
LAVERNE WILLIAMS, his wife,

Plaintiffs,

v.

CITY OF GAINESVILLE

Defendant.

Case No.: 2012-CA-1984

Division: K

A True Copy  
SADIE DARNELL, SHERIFF  
ALACHUA COUNTY, FLORIDA  
Served at LSP on the 28 Day  
of Aug 20 12  
BY JDR  
AS DEPUTY SHERIFF ES

**ALIAS SUMMONS**

Plaintiffs, ROBERT and LAVERNE WILLIAMS, by and through their undersigned attorney and pursuant to the Order Instructing the Clerk of the Court to Issue an Alias Summons executed by the Honorable Judge Hulslander, hereby request the Clerk of the Court to issue an Alias Summons to be served on the Defendant, CITY OF GAINESVILLE, through their authorized agent, MAYOR CRAIG LOWE, at 200 East University Avenue, Gainesville, Florida 32601.

Dated on August 9<sup>th</sup>, 2012.

ALLEN LAW FIRM, P.A.

William T. Allen, Jr.  
William T. Allen, Jr., Esquire  
Florida Bar No. 950180  
2025 S.W. 75<sup>th</sup> Street, Suite 10  
Gainesville, Florida 32607  
Phone: (352) 331-6789  
Fax: (352) 331-6785  
Attorney for Plaintiffs

**ALIAS SUMMONS**

TO:

**MAYOR CRAIG LOWE**  
**The City of Gainesville, Florida**  
**200 East University Avenue**  
**Gainesville, Florida 32601**

**IMPORTANT**

A lawsuit has been filed against the City of Gainesville. You have been served in your capacity as an authorized agent of the City of Gainesville. You have thirty (30) calendar days after the service of this alias summons to file a written response to the attached complaint with the clerk of this court. If you fail to do so, a default will be entered against the Defendant for the relief demanded in the Complaint.

Defendant is required to serve an answer and written defenses to the Complaint on the Plaintiffs' attorney whose name and address is:

**William T. Allen, Jr., Esquire**  
**Allen Law Firm, P.A.**  
**2025 SW 75<sup>th</sup> Street, Suite 10**  
**Gainesville, Florida 32607**  
**Phone: (352) 331-6789**  
**Fax: (352) 331-6785**

**J K IRBY**  
**CLERK OF CIRCUIT COURT**  
**CIVIL DEPARTMENT**  
**201 E UNIVERSITY AVE**  
**GAINESVILLE FL 32601**

**THE STATE OF FLORIDA:**

**To Each Sheriff of the State:**

YOU ARE COMMANDED to serve this summons and a copy of the complaint in this lawsuit on the above-named Defendant.

DATED: 8/16, 2012



J.K. "Buddy" Irby  
Clerk of the Circuit Court

By: J. Irby  
Deputy Clerk

**COPY**

[Seal]

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Case No.:

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**CITY OF GAINESVILLE**

**Defendant.**

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**COMPLAINT**

Plaintiffs, ROBERT WILLIAMS and LAVERNE WILLIAMS, by and through their undersigned attorney, hereby sue the CITY OF GAINESVILLE, a municipal corporation, and allege:

**GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS**

1. This is an action for damages exceeding \$15,000.00, exclusive of interests and costs.
2. Plaintiffs have complied with all conditions precedent to the filing of this Complaint, including the notice requirements of Section 768.28(6), Florida Statutes.
3. At all material times, Defendant, CITY OF GAINESVILLE (hereafter, "the City"), was a municipal corporation organized under the laws of the State of Florida.
4. At all material times, Plaintiffs, ROBERT WILLIAMS and LAVERNE WILLIAMS, were residents of Gainesville, Alachua County, Florida.

5. On or about January 20, 2011, Plaintiff, ROBERT WILLIAMS, was walking on the sidewalk on SE 3<sup>rd</sup> Street, near the intersection of SE 3<sup>rd</sup> Street and SE 1<sup>st</sup> Avenue, in Gainesville, Alachua County, Florida, when he tripped over a block of the sidewalk that protruded from the ground and created a raised lip, causing him to fall to the ground and suffer serious and permanent injuries.

## COUNT I

### NEGLIGENCE OF THE CITY OF GAINESVILLE AS TO ROBERT WILLIAMS

6. Plaintiffs reallege and incorporate by reference herein paragraphs 1-5.

7. On or about January 20, 2011, Defendant, CITY OF GAINESVILLE, had control of and was responsible for the maintenance and repair of the subject sidewalk located on SE 3<sup>rd</sup> Street.

8. At all times material hereto, Defendant, CITY OF GAINESVILLE, owed a duty to the Plaintiff, ROBERT WILLIAMS, and others similarly situated, to maintain the subject sidewalk in a safe and reasonable condition.

9. Defendant, CITY OF GAINESVILLE, negligently maintained the subject sidewalk so as to allow a tree root to push up on the sidewalk blocks, creating a dangerous and uneven lip between the blocks.

10. Defendant, CITY OF GAINESVILLE, was negligent in the following particulars which were the direct and proximate cause of the Plaintiff's injuries and damages alleged:

- a) Failure to correct the defective condition before Plaintiff's injuries;
- b) Failure to warn Plaintiff and/or the people traveling on the sidewalk of the defective and dangerous condition; and
- c) Failure to use reasonable care in maintaining its sidewalks.

11. Defendant, CITY OF GAINESVILLE, breached its duty of care to the Plaintiff,

ROBERT WILLIAMS, and others similarly situated, in that the negligent condition was known to the Defendant or it had existed for a sufficient time so that the Defendant should have known that the sidewalk located along NE 3<sup>rd</sup> Street at or near the intersection of NE 1<sup>st</sup> Avenue in Gainesville, Florida contained a dangerous condition by virtue of the tree root pushing up the sidewalk block causing an uneven lip in the sidewalk.

12. As a direct and proximate result of this breach of duty by the City, Plaintiff suffered serious physical and psychological injuries, disabilities, disfigurement, has incurred expenses for medical and nursing care, has experienced pain and suffering, loss of income, and loss of enjoyment of life. The injuries are either permanent or continuing in nature, and Plaintiff will continue to suffer losses and impairment in the future.

WHEREFORE, Plaintiff demands judgment for damages against the Defendant City, and demands trial by jury on all issues so triable.

## COUNT II

### LOSS OF CONSORTIUM

13. Plaintiffs reallege and incorporate by reference herein paragraphs 1-12.

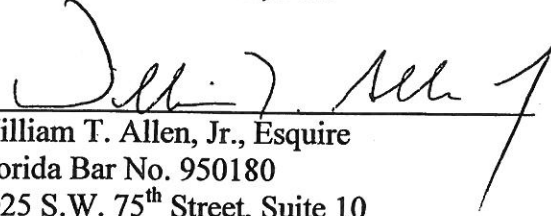
14. Plaintiffs, ROBERT WILLIAMS and LAVERNE WILLIAMS, at all times pertinent hereto, were married.

15. Plaintiff, LAVERNE WILLIAMS, has lost the comfort, companionship and consortium of Plaintiff, ROBERT WILLIAMS, and will continue to suffer such losses in the future.

WHEREFORE, Plaintiffs, ROBERT WILLIAMS and LAVERNE WILLIAMS, sue the CITY OF GAINESVILLE and seek judgment for compensatory damages and any other relief deemed appropriate, in excess of \$15,000.00, exclusive of interest and costs, and demands trial by a jury of all issues triable as of right by a jury.

DATED this 8<sup>th</sup> day of May, 2012.

**ALLEN LAW FIRM, P.A.**

A handwritten signature in black ink, appearing to read "William T. Allen, Jr.", is written over a horizontal line. The signature is stylized and cursive.

William T. Allen, Jr., Esquire  
Florida Bar No. 950180  
2025 S.W. 75<sup>th</sup> Street, Suite 10  
Gainesville, Florida 32607  
Phone: (352) 331-6789  
Fax: (352) 331-6785  
Attorney for Plaintiffs