



# MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commissioners

DATE: August 14, 2006

FROM: City Attorney

CONSENT

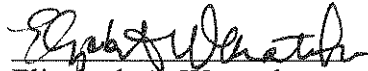
SUBJECT: Ella Godbolt Whitford f/k/a Ella Z. Godbolt vs. City of Gainesville; Alachua County Circuit Court;  
Case No.: 01-06-CA-2941

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Recommendation: The City Commission authorize the City Attorney, and/or special counsel if insurance coverage is available, to represent the City in the case styled Ella Godbolt Whitford f/k/a Ella Z. Godbolt vs. City of Gainesville; Alachua County Circuit Court; Case No.: 01-06-CA-2941.

On July 26, 2006, the City of Gainesville was served with a summons and complaint. Ms. Ella Godbolt Whitford, a former Transit Operator with RTS, alleges retaliatory discharge after filing a claim for workers' compensation benefits. She seeks money damages from the City.

Prepared by:

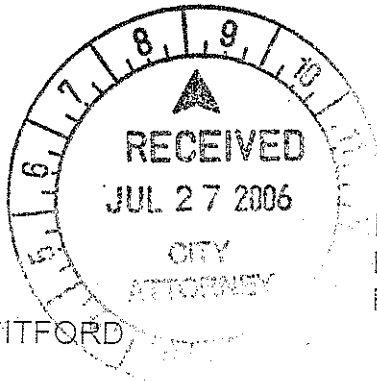
  
Elizabeth A. Waratuke,  
Litigation Attorney

Submitted by:

  
Marion J. Radson,  
City Attorney

EAW/cgow

all tickets  
8/18 cal as  
due 8/25



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

ELLA GODBOLT WHITFORD  
(f/k/a Ella Z. Godbolt)

Plaintiff,

CASE NO.: 01-06 CA 2941

vs.

DIVISION: J

CITY OF GAINESVILLE,

Defendant.

A TRUE COPY  
STEPHEN M. OELRICH, SHERIFF  
ALACHUA COUNTY, FLORIDA  
Served at 2:40 PM on the 27 day  
of July, 2006

SUMMONS By [Signature]  
As Deputy Sheriff

THE STATE OF FLORIDA:

TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE:

GREETINGS:

YOU ARE HEREBY COMMANDED to serve this summons and a copy of the  
Complaint in the above-styled cause upon the defendant(s)

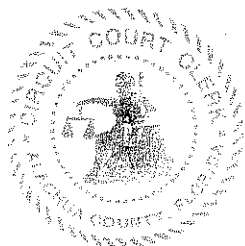
**CITY OF GAINESVILLE**  
By serving:  
**MAYOR PEGEEN HANRAHAN**  
200 E. UNIVERSITY AVENUE  
GAINESVILLE, FL 32601

Each defendant is hereby required to serve written defenses to said complaint or  
petition on plaintiff's attorney, whose name and address is

James G. Feiber, Jr.  
SALTER, FEIBER, MURPHY, HUTSON & MENET, P.A.  
Post Office Box 357399  
Gainesville, Florida 32635-7399

within 30 days after service of this summons upon that defendant, exclusive of the day of service, and to file the original of said written defenses with the Clerk of said Court (Post Office Box 600, Gainesville, FL 32602) either before service on plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of said Court on 25, July 2006.



(Court Seal)

J.K. "BUDDY" IRBY,  
Clerk of the Court  
201 E. University Avenue  
Gainesville, FL 32601

By *Dwight Steen*  
As Deputy Clerk

COPY

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT COURT ADMINISTRATION, 201 EAST UNIVERSITY AVENUE, GAINESVILLE, FL 32601, AT (352) 374-3646, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS SUMMONS. IF YOU ARE HEARING OR VOICE IMPAIRED, CALL TDD 1-800-955-8771.

**COPY**

ELLA GODBOLT WHITFORD  
(f/k/a Ella Z. Godbolt)

Plaintiff,

vs.

CITY OF GAINESVILLE,

Defendant.

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

CASE NO.: \_\_\_\_\_

DIVISION: \_\_\_\_\_

COMPLAINT FOR RETALIATORY DISCHARGE

COMES NOW the Plaintiff, ELLA GODBOLT WHITFORD (f/k/a Ella Z. Godbolt) (hereinafter referred to as "GODBOLT"), by and through her undersigned attorney, and sues the Defendant, CITY OF GAINESVILLE (hereinafter referred to as "COG"), and alleges:

1. This is an action for damages that exceed \$15,000.00, exclusive of interest, fees and costs.
2. At all times material, Plaintiff, GODBOLT, was a resident of Alachua County, Florida.
3. At all times material, Defendant, COG, was a Florida municipality located in Alachua County, Florida.
4. Venue is appropriate with this Court insofar as Defendant, COG, is a municipality located in Alachua County, Florida, and Plaintiff's cause of action occurred in Alachua County, Florida.

5. At all times material, GODBOLT was employed by COG as a Transit Operator for the Regional Transit System.

6. On or about 18 November 2004, GODBOLT, acting within the course and scope of her employment with COG, was operating a Regional Transit System passenger van when she was injured in a motor vehicle accident (hereinafter referred to as "Accident") at the intersection of S.W. 34th Street and the driveway of Homestead Apartments, located at 3611 S.W. 34th Street, Alachua County, Florida.

7. As a result of the Accident, GODBOLT suffered a herniated disc at C6-7, which ultimately required surgery on 14 March 2005. Consequently, GODBOLT incurred significant medical expenses.

8. On or about 22 November 2004, in connection with the Accident, GODBOLT filed a First Report of Injury or Illness with the Florida Department of Labor-Employment Security, Division of Worker's Compensation, thereby seeking workers' compensation benefits in accordance with the provisions of the Workers' Compensation Law, Fla. Stat. Ch. 440, et seq.

9. On or about 11 July 2005, COG discharged GODBOLT in direct retaliation for GODBOLT's valid claim for workers' compensation benefits. COG's discharge of GODBOLT was conducted in violation of Fla. Stat. §440.205, and was therefore unlawful.

10. Moreover, COG's proffered reasons for discharging GODBOLT were pretextual.

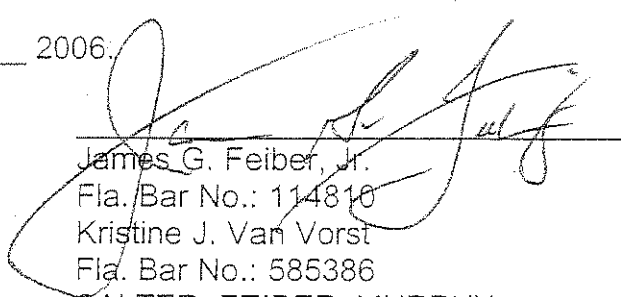
11. As a direct and proximate result of COG's retaliatory discharge,

GODBOLT has suffered considerable damages including, but not limited to, costs associated with medical care, severe emotional distress, mental anguish and pain; has endured the loss of capacity for the enjoyment of life; has incurred, and will incur in the future, medical and related expenses; and has been deprived of earnings, earning capacity and retirement benefits. These losses are either permanent or continuing in nature and she will suffer these losses in the future.

12. COG's conduct in unlawfully discharging GODBOLT was willful, wanton and in reckless disregard of GODBOLT's rights. GODBOLT is therefore entitled to punitive damages.

WHEREFORE, Plaintiff, GODBOLT, pursuant to Fla. Stat. §440.205, demands judgment against Defendant, COG, for the costs of her medical care, severe emotional distress and mental anguish, incidental costs related to her termination, the costs of seeking unemployment benefits and seeking new employment, costs of this action, punitive damages, and any other relief this Court may deem just and proper. Plaintiff, GODBOLT, further demands a trial by jury.

Dated this 20<sup>th</sup> day of July 2006.

  
\_\_\_\_\_  
James G. Feiber, Jr.  
Fla. Bar No.: 114810  
Kristine J. Van Vorst  
Fla. Bar No.: 585386  
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Fax: 352-376-7996  
Attorneys for Plaintiff