

Legislative #

130751

SCANNED**CITY OF GAINESVILLE
OFFICE OF THE CITY ATTORNEY**Memorandum
393-8814/Fax 334-2229

TO: Steve Varvel, Risk Manager

DATE: Feb. 20, 2014

FROM: Monique Hatt, Law Office Manager

SUBJECT: SUMMONS AND AMENDED COMPLAINT – Janice DeBose-Wyrick
As Personal Representative of the Estate of Artrell DeBose

Please review and forward to our insurance carrier the attached document. If you have any files that relate to this matter, please forward to our office for our review. The response should be sent to the attention of Elizabeth Waratuke.

See attached files _____

No files exist _____

Cc: Elizabeth Waratuke, Litigation Attorney
Crystal White, Legal Assistant

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

JANICE DEBOSE-WYRICK
As Personal Representative of
the Estate of **ARTRELL DEBOSE**,
Plaintiff,

CASE NO.: 2013-CA 004698
DIVISION: K

**CITY OF GAINESVILLE, a Political
Subdivision of Florida,**
Defendants.

FILED COPY
SERVED BY: J. IRBY
SERVED ON: [Signature]
SERVED AT: [Signature]
SERVED ON: 12/31/2013 Day
BY: [Signature]
AS DEPUTY SHERIFF 480

**SUMMONS
ON AMENDED COMPLAINT**

THE STATE OF FLORIDA
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the ^{Amended} complaint or petition in this action on defendant.

**City of Gainesville, a Political
Subdivision of Florida
C/o Ed Braddy, Mayor
200 E, University Avenue
Gainesville, Florida 32601**

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

**HORACE MOORE SR., PA
P.O. Box 5908
GAINESVILLE, FLORIDA 32627**

within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the clerk of this court 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 February 17th, 2014.



J. K. IRBY,
CLERK OF THE CIRCUIT COURT
CIVIL DIVISION
201 E UNIVERSITY AVE
GAINESVILLE, FL 32601

J.K. "Buddy" Irby
Clerk of Circuit Court
By Christine M. Wilson
As Deputy Clerk

Persons with disabilities requesting reasonable accommodations to participate in this proceeding should contact Florida Relay Service at (800) 955-8771.

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

**JANICE DEBOSE-WYRICK
As Personal Representative of
the Estate of ARTRELL DEBOSE,
Plaintiff,**

vs.

CASE NO.: 2013-CA 004698
DIVISION:

**CITY OF GAINESVILLE, a Political
Subdivision of Florida,
Defendants.**

FIRST AMENDED COMPLAINT

Plaintiff, **JANICE DEBOSE WYRICK**, as Personal Representative of the Estate of **ARTRELL DEBOSE**, deceased sues Defendant, **CITY OF GAINESVILLE, a Political Subdivision of Florida**. (hereinafter referred to as **DEFENDANT**). Plaintiff, demands a trial by jury on all issues so triable, and allege the following:

1. That this is an action for damages in excess of \$15,000.00 (fifteen thousand dollars);
2. The deceased was at all times material to this action a resident of Atlanta, Georgia;
3. That **DEFENDANT**, a political subdivision of Florida , at all times material to this action owned and controlled a parking complex, at 105 SW 3rd Street in Gainesville, Florida, (hereinafter known as the **PARKING GARAGE**);
4. That prior thereto, another violent incident occurred at the city of

Gainesville's subject owned parking complex during the month of August 2007, that resulted in multiple surgeries to a victim in which the perpetrator was not charged;

5. That on or about 25 November 2007, during the early morning hours, a shooting occurred at the subject parking complex in this action that resulted in a death;
6. That the victims in the aforementioned incidents of August 2007 and November 2007 had a special relationship with the **DEFENDANT**, as invitees of its subject **PARKING GARAGE**;
7. That the shooting in November 2007, in which a twenty-three years old man was shot in the head and killed, occurred after crowds left the clubs and bars downtown;
8. That at all times relevant to this action, the deceased, **ARTRELL DEBOSE** also had a special relationship with the **DEFENDANT**, as an invitee of its **PARKING GARAGE**;
9. That on or about October 23, 2011, the **DEFENDANT** had a duty to exercise reasonable care to protect invitees of the **PARKING GARAGE**, including the deceased, **ARTRELL DEBOSE**, from foreseeable criminal harm;
10. That on or about October 23, 2011, **DEFENDANT** had a duty to exercise reasonable care in the operation of the **PARKING GARAGE**, so that its agents used reasonable care to protect its commercial establishment's invitees, including the deceased, **ARTRELL DEBOSE**, from reasonable

foreseeable criminal harm;

11. That on or about October 23, 2011, **DEFENDANT** breached its duty to exercise reasonable care to protect invitees of its commercial establishment, including the deceased, **ARTRELL DEBOSE**, from reasonably foreseeable criminal harm by the following:
 - a) Failure to provide the parking areas within the **PARKING GARAGE** with reasonable lighting;
 - b) Failure to provide the second level **PARKING GARAGE** around and/within the parking area with adequate security guards or law enforcement officers on each floor to protect its invited patrons;
 - c) Failure to warn its invitees, including the deceased, **ARTRELL DEBOSE** of the risk of criminal attacks on or near the premises of the, **PARKING GARAGE**;
12. That as a result of **DEFENDANT**'s breach of its duty to exercise reasonable care to protect invitees of the **PARKING GARAGE**, including the deceased, **ARTRELL DEBOSE**, he was shot and killed;
13. That all conditions precedent to filing this complaint have been met, pursuant to Florida Statute 768.28(6), prior to the running of the Statute of Limitation;

WHEREFORE, Plaintiff demands judgment for damages against
DEFENDANT, in excess of \$15,000.00, exclusive of interest and costs and such other
damages as this Honorable Court deems appropriate.

Dated December 23, 2013

LAW OFFICE OF HORACE MOORE, SR.

Horace Moore, Sr.

Horace Moore, Sr. #316725

Post Office Box 5908

Gainesville, Florida 32627

(352) 371-2300

(352) 373-3136 Fax

horacejustice@horacejustice.com

Attorney for Plaintiff