

LEGISTAR NO.

150820

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

DEBRA JACKSON,

Plaintiff,

v.

CITY OF GAINESVILLE,

Defendant.

CASE NO:
DIVISION:

COMPLAINT

COMES NOW Plaintiff, DEBRA JACKSON by and through the undersigned counsel, sues Defendant, CITY OF GAINESVILLE, and states:

1. This is an action for damages in excess of \$15,000.00, exclusive of attorneys' fees, costs, and interest.
2. At all times material hereto, Plaintiff was a resident of Gainesville, Alachua, Florida.
3. At all times material hereto, Defendant was a corporate and political entity and service of process may be effectuated upon the Office of General Counsel, 200 East University Avenue, Gainesville FL 32601.
4. The Plaintiff has provided proper notice to the City of Gainesville pursuant to Section 769.28, Florida Statutes, and Section 2.390 et seq., Gainesville Municipal Code.
5. All conditions precedent to the maintenance of this action have been satisfied by the Plaintiff or waived by the Defendant.

6. On or about February 4, 2013 Defendant, as a corporate and political entity was the owner of a bus that was operated by an employee with its knowledge and consent in the course and scope of his employment in Gainesville, Alachua County, Florida

7. At all times material hitherto, Defendant owned or had custody and control of said bus, a Dangerous Instrumentality, operated and driven with the knowledge and consent of the Defendant.

8. At all times material hitherto the driver was an employee of the Defendant.

9. At all times material hitherto the driver was within the course and scope of his employment with Defendant.

10. At all times material hitherto the driver owed a duty to Plaintiff to exercise reasonable care in the operation and control of the vehicle in his custody and control so as not to injure the Plaintiff.

11. At all times material hitherto the driver was careless and negligent and breached the above duty in one or more of the following ways:

a. By failing to properly operate said vehicle so as to ensure safety of all passengers.

b. By failing to ensure passengers were properly seated before putting said vehicle into motion.

12. The aforesaid negligent acts and omissions of the driver are imputed to the Defendant under the Dangerous Instrumentality Doctrine.

13. As a direct and proximate result of the negligence of the driver Plaintiff suffered permanent injuries within a reasonable degree of medical probability, resulting in associated pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, expense of

medical care and treatment, loss of earnings and other economic damages, loss of ability to earn money in the future, and/or aggravation of a previously existing condition. The losses are continuing and the Plaintiff will suffer losses in the future.

WHEREFORE, Plaintiff demands judgment for damages against Defendant together with costs, and further demands a trial by jury on all issues herein.

Dated this 9 day of November, 2015.



DENISE M. STOCKER (FL Bar No. 0089244)
WILLIAM W. KURTZ, JR. (FL Bar No. 012843)
RONALD E. SHOLES, P.A.
4981 Atlantic Boulevard
Jacksonville, Florida 32207
Ph: 904-721-7575 Fax: 904-721-7474
Primary Email: Pleadings@ronsholespa.com
Attorney for Plaintiff