

LEGISTAR NO.

140844

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

CASE NO.: 2015 CA 657
DIVISION: K

MARIO NEAL,

Plaintiff,

v.

CITY OF GAINESVILLE,

Defendant.

COMPLAINT

Plaintiff, **MARIO NEAL**, sues Defendant, **CITY OF GAINESVILLE**, and alleges:

1. This is an action for damages that exceed Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorneys' fees.
2. At all times material hereto, Plaintiff a natural person residing in Archer, Alachua County, Florida.
3. At all times material to this action, Defendant was a governmental agency authorized to do business in the State of Florida.
4. James B. Lake was a natural person employed by Defendant, **CITY OF GAINESVILLE**, and operating a motor vehicle while in the course and scope of his employment.
5. On or about April 14, 2013, Plaintiff was operating a motor vehicle travelling south bound on North West 17th Street in Gainesville, Alachua County, Florida.
6. At that time and place, Defendant was operating a motor vehicle traveling south bound on North West 17th Street in Gainesville, Alachua County, Florida.
7. At that time and place, Defendant so negligently and carelessly operated and/or maintained his motor vehicle so that it collided with Plaintiff's motor vehicle, thereby causing him to sustain serious injuries.

8. As a direct and proximate cause of Defendant's negligence, Plaintiff suffered or incurred:
- a. Significant and permanent loss of an important bodily function and or permanent and significant scarring;
 - b. permanent injury within a reasonable degree of medical probability other than scarring or disfigurement;
 - c. aggravation or activation of an existing disease or physical defect;
 - d. pain, suffering, disability, physical impairment, mental anguish, inconvenience, and a loss of capacity for the enjoyment of life;
 - e. expenses of medical care and treatment in the past and in the future; and
 - f. loss of wages and or loss of earning capacity in the future.

All losses are continuing and or permanent.

9. Plaintiff will suffer or incur the injuries, expenses and impairment in the future.

10. Plaintiff has submitted a Notice of Claim, by certified mail, to the appropriate agencies and included the information required by Florida Statute §768.28. Attached as Exhibit "A" is the Notice of Claim which was submitted on May 8, 2013.

WHEREFORE, Plaintiff, MARIO NEAL, demands judgment for damages against Defendant, CITY OF GAINESVILLE, and other such relief deemed proper by the Court. Plaintiff also demands a jury trial on all issues so triable.

RESPECTFULLY submitted this 23rd day of FEBRUARY, 2015.

MORGAN & MORGAN, P.A.

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Counsel for Plaintiff

EXHIBIT A

106

May 8, 2013

RECEIVED
DIVISION OF

MAY 18 2013

NOTICE OF CLAIM-FLORIDA STATUTE (768.28(6))

RISK MANAGEMENT

(1822208)

CERTIFIED MAIL-RETURN RECEIPT

TO: Department of Financial Services
State of Florida - Legal Division
200 E. Gaines Street
Tallahassee, FL [REDACTED]

Gainesville Mayor & City Commission
Attn: Honorable Peggy Hearahan
P.O. Box 490, Station 19
Gainesville, FL 32601

City of Gainesville
Attn: City Manager
P.O. Box 490, Station 6
Gainesville, FL 32601

City of Gainesville
Attn: City Attorney
P.O. Box 490, Station 46
Gainesville, FL 32601

CMY
4080

City of Gainesville
P.O. Box 490 Mail 14
Gainesville, FL 32627

CLAIMANT: Mario Neal
Address: PO Box 86, Archer, FL 32618
Date of Birth: 06/02/1987
Place of Birth: Archer, FL
Social Security No: [REDACTED]

CONSORTIUM CLAIMANT: none

PRIOR ADJUDICATED UNPAID CLAIMS: (if none, so state)

Claimant: none
Consortium Claimant: none

DATE AND TIME OF INCIDENT: April 14, 2013, 1:40AM

PLACE OF INCIDENT: Intersection of NW 17th Street and NW 1st Ave. in Alachua County, Gainesville, FL.

DESCRIPTION OF INCIDENT: An Alachua County police officer, James Blake, rear-ended the vehicle in which Mario Neal was a passenger.

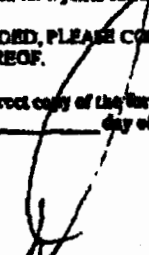
DESCRIPTION OF INJURIES: Headaches, neck, back

KNOWN CITY AGENTS OR EMPLOYERS: James B. Lake

RELIEF SOUGHT: Compensation for injuries sustained.

IF ADDITIONAL INFORMATION IS NEEDED, PLEASE CONTACT THE UNDERSIGNED.
PLEASE ACKNOWLEDGE RECEIPT HEREOF.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to the above agencies, this _____ day of _____.


Denny A. Owens, Esquire
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Attorney for Plaintiff