

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AN FOR ALACHUA COUNTY, FLORIDA
CIVIL DIVISION, ALACHUA COUNTY COURTHOUSE
201 EAST UNIVERSITY AVENUE- PO BOX 600
GAINESVILLE, FLORIDA 32602
PHONE (352)374-3636 – FAX (352) 338-3207

ANINE PIERRE-LOUIS

Plaintiff,

Case NO: 01-2008-CA-005408
DIVISION: K

Vs.

**ELDRED LEWIS,
JANE DOE
(UNKNOWN CITY OF GAINESVILLE BUS DRIVER),
and
THE CITY OF GAINESVILLE,**

Defendants

SUMMONS

**THE STATE OF FLORIDA
To Each Sheriff of the State:**

YOU ARE COMMANDED to serve this summons and a copy of the complaint or petition in this action on defendant:

THE CITY OF GAINESVILLE
C/O
THE HONORARABLE MAYOR, PEGEEN HANRAHAN
200 E. UNIVERSITY AVE., GAINESVILLE, FL 32601-0409

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

The Pino Law Group, PA
Charles T. Pino, Esq
912 NW 56th Terrace, Suite A
Gainesville, FL 32605

A True Copy
SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA
Served at 1110 P on the 23 Day
of SEP
BY [Signature]
AS DEPUTY SHERIFF

01

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

ANIDE PIERRE-LOUIS

Plaintiff,

CASE NO.: 01-08-CA-5408

vs.

DIVISION: K

ELDRED LEWIS,
JANE DOE
(UNKNOWN CITY OF GAINESVILLE BUS DRIVER),
and
THE CITY OF GAINESVILLE,

Defendants.

COMPLAINT

Plaintiff, ANIDE PIERRE-LOUIS, by and through their undersigned attorneys, sue
Defendants, ELDRED LEWIS, JANE DOE (UNKNOWN CITY OF GAINESVILLE BUS
DRIVER), and The CITY OF GAINESVILLE jointly and severally, and allege:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of \$15,000.00, exclusive of interest and costs.
2. All statutory and common law conditions precedent to the filing of this Complaint have been complied with by Plaintiff.
3. Plaintiff ANIDE PIERRE-LOUIS is a citizen of the State of Florida and resident of Alachua County.
4. Defendant ELDRED LEWIS is a citizen of the State of Florida and resident of Alachua County.
5. Defendant *Jane Doe* is a citizen of the State of Florida and resident of Alachua County.



\$ 300

6. Defendant CITY OF GAINESVILLE is a Florida chartered municipality.
7. The acts or omissions complained of in this action occurred in Alachua County, Florida.

COUNT I

NEGLIGENCE OF DEFENDANT ELDRED LEWIS

Plaintiff, ANIDE PIERRE-LOUIS, sues Defendant ELDRED LEWIS for negligence, and alleges:

8. Plaintiff ANIDE PIERRE-LOUIS re-alleges the allegations of Paragraphs 1 - 7.
9. On or about October 25, 2004, Plaintiff ANIDE PIERRE-LOUIS was a pedestrian who alighted a City of Gainesville bus to cross from the north side of SW 20th Avenue to the south side of the street. The location in question is within the city limits of Gainesville, Alachua County, Florida.
10. At that time and place, Defendant ELDRED LEWIS so negligently and recklessly operated or maintained the motor vehicle under his direction and control that it collided with the Plaintiff's, body who was a pedestrian at the time.
11. Defendant ELDRED LEWIS had a duty to protect Plaintiff ANIDE PIERRE-LOUIS, and all others on the highway, by operating the motor vehicle under his direction and control in a reasonable, responsible, and safe manner.
12. Defendant ELDRED LEWIS failed to perform that duty when he so negligently and recklessly operated his motor vehicle by passing four stopped vehicles and the City of Gainesville bus, crossing through a left turn lane and then entered into a no passing zone colliding with Plaintiff ANIDE PIERRE-LOUIS, who was a pedestrian at the time.

13. As a direct and proximate result of the negligence of Defendant ELDRED LEWIS, Plaintiff ANIDE PIERRE-LOUIS suffered severe and permanent injuries. Plaintiff has endured hospital stays, surgery, being bed ridden, debilitating pain, permanent incapacitating bodily injury, scaring, and time-consuming and expensive physical therapy, as well as decreased capacity for the enjoyment of life, loss of earnings, and loss of time in pursuing her education. The plaintiff suffered permanent injury within a reasonable degree of medical probability. The losses are either permanent or continuing and Plaintiff ANIDE PIERRE-LOUIS will suffer the losses in the future.

WHEREFORE, Plaintiff ANIDE PIERRE-LOUIS sues Defendants ELDRED LEWIS for damages in excess of \$15,000.00, exclusive of interest, prejudgment interest and costs, and demands a trial by jury of all issues so triable.

COUNT II

NEGLIGENCE OF DEFENDANT JANE DOE (UNKNOWN CITY OF GAINESVILLE BUS DRIVER)

Plaintiff, ANIDE PIERRE-LOUIS, sues Defendant JANE DOE for negligence, and alleges:

14. Plaintiff ANIDE PIERRE-LOUIS re-alleges the allegations of Paragraphs 1 - 7.

15. On or about October 25, 2004, Plaintiff ANIDE PIERRE-LOUIS was a pedestrian who alighted a City of Gainesville bus to cross from the north side of SW 20th Avenue to the south side of the street. The location in question is within the city limits of Gainesville, Alachua County, Florida.

16. At that time and place, Defendant JANE DOE was employed by the City of Gainesville as a bus driver and was driving the bus the Plaintiff alighted immediately prior to being struck by Defendant ELDRED LEWIS car.

17. JANE DOE had a duty to protect the Plaintiff as a passenger on the bus JANE DOE was operating. Such duty extended to a reasonable zone of danger where the acts and omissions of JANE DOE could result in reasonably foreseeable harm to the Plaintiff.

18. JANE DOE allowed the Plaintiff to cross SW 20th Avenue in front of the city bus.

19. JANE DOE failed in her duty to protect the Plaintiff and acted negligently in allowing the Plaintiff to exit the front of the bus and proceed to cross SW 20th Avenue in front of the City of Gainesville bus. Such actions were in direct contradiction to the rules of the City of Gainesville relating to passengers crossing a street after alighting a city bus. This negligent act put the Plaintiff in harm's way by creating a foreseeable zone of danger.

20. JANE DOE failed in her duty to protect the Plaintiff and acted negligently by failing to warn the Plaintiff of Defendant ELDRED LEWIS'S approaching car as she was able to see the car and knew, or should have known, that the Plaintiff was unable to see the approaching car.

21. JANE DOE was aware that the bus she was driving had an inoperable horn and failed to ensure the repair of such horn prior to taking the Plaintiff on the bus as a passenger.

22. JANE DOE failed in her duty to protect the Plaintiff by her failure to ensure the repair of the horn, such failure prevented JANE DOE from warning the Plaintiff of the oncoming car.

23. JANE DOE knew, or should have known, that the inoperable horn on the bus she was driving would prevent her from warning others of potential dangers, such danger as oncoming cars when passengers were alighting the bus. Such dangers were reasonably foreseeable.

24. As a direct and proximate result of the negligence of Defendant JANE DOE, Plaintiff ANIDE PIERRE-LOUIS suffered severe and permanent injuries. Plaintiff has endured hospital stays, surgery, being bed ridden, debilitating pain, permanent incapacitating bodily injury, scarring,

and time-consuming and expensive physical therapy, as well as decreased capacity for the enjoyment of life, loss of earnings, and loss of time in pursuing her education. The Plaintiff suffered permanent injury within a reasonable degree of medical probability. The losses are either permanent or continuing and Plaintiff ANIDE PIERRE-LOUIS will suffer the losses in the future.

WHEREFORE, Plaintiff ANIDE PIERRE-LOUIS sues Defendant JANE DOE for damages in excess of \$15,000.00, exclusive of interest, prejudgment interest and costs, and demands a trial by jury of all issues so triable.

COUNT III

DEFENDANT CITY OF GAINESVILLE'S RESPONDEAT SUPERIOR LIABILITY

Plaintiff ANIDE PIERRE-LOUIS sues Defendant CITY OF GAINESVILLE, jointly and severally, for damages caused by the acts and omissions of its employee Defendant JANE DOE, and alleges:

25. Plaintiff re-alleges the allegations of Paragraph 1 - 7 and 15 - 24.
26. On or about October 25, 2004, the Defendant CITY OF GAINESVILLE employed JANE DOE as a bus driver for the Regional Transit System operated by the City of Gainesville.
27. On or about October 25, 2005, and at the time of the accident subject of this action, JANE DOE was acting in her capacity as an employee of the City of Gainesville when she was driving the city bus, during normal bus operating hours, which the Plaintiff alighted immediately prior to being struck by ELDREW LEWIS's car.
28. On or about October 25, 2005, and at the time of the accident subject of this action, JANE DOE was performing her duties as a city bus driver and was doing so in expectation of

payment as an employee of the City of Gainesville.

29. Consequently, pursuant to Florida's doctrine of respondeat superior liability, Defendant City of Gainesville is also liable to Plaintiff ANIDE PIERRE-LOUIS for any and all injuries caused by the acts and omissions of its employee JANE DOE.

WHEREFORE, Plaintiff ANIDE PIERRE-LOUIS sues Defendant City of Gainesville, jointly and severally, for damages in excess of \$15,000.00, exclusive of interest, prejudgment interest and costs, and demands a trial by jury of all issues so triable.

COUNT IV

NEGILIGENCE OF DEFENDANT CITY OF GAINESVILLE

Plaintiff, ANIDE PIERRE-LOUIS, sues Defendant City of Gainesville for negligence, and alleges:

30. Plaintiff re-alleges the allegations of Paragraph 1 - 7 and 15 - 24.

31. On or about October 25, 2004, Plaintiff ANIDE PIERRE-LOUIS was a pedestrian who alighted a City of Gainesville bus to cross from the north side of SW 20th Avenue to the south side of the street. The location in question is within the city limits of Gainesville, Alachua County, Florida.

32. On or about October 25, 2004, Defendant City of Gainesville maintained and operated the Regional Transit System and the bus the Plaintiff alighted immediately prior to being struck by ELDREW LEWIS's car.

33. Defendant City of Gainesville, as a common carrier, owed the highest degree of care, foresight, prudence and diligence to the Plaintiff to keep her from reasonably anticipated harm.

34. Defendant City of Gainesville, as a common carrier, owed a duty to provide adequate

equipment for the safe conveyance of its passengers.

35. Defendant City of Gainesville failed to maintain the safety equipment on the bus the Plaintiff alighted immediately prior to being struck by ELDREW LEWIS's car. The bus driver had previously reported that the horn on her bus was not working, however, the City of Gainesville failed to repair the bus prior to putting it into service on the route utilized by the Plaintiff.

36. Defendant City of Gainesville failed to maintain its own safety standards and rules regulating the alighting of city buses. The City of Gainesville instructed bus drivers to require passengers to exit the rear of the bus and require them to cross behind the bus to the other side of the road allowing the passengers view of the road and vehicles on the road without being blocked by the large mass of a city bus.

37. Defendant City of Gainesville knew, or should have known, that it has become common practice for drivers to allow passengers to exit by the front doors of the bus and then to cross the road in front of the bus.

38. The City of Gainesville failed in its duty of care to the Plaintiff by failing to maintain the bus's safety equipment and by allowing the Plaintiff to cross in front of the bus. It was reasonably anticipated that a third party vehicle would go around a stopped bus and put alighting passengers in danger. Injuries from such dangers could have been reasonably anticipated in time to be prevented. The negligence of the City of Gainesville created a foreseeable zone of danger in which the Plaintiff was harmed.

39. As a direct and proximate result of the negligence of Defendant City of Gainesville, Plaintiff ANIDE PIERRE-LOUIS suffered severe and permanent injuries. Plaintiff has endured hospital stays, surgery, being bed ridden, debilitating pain, permanent incapacitating bodily injury,

scaring, and time-consuming and expensive physical therapy, as well as decreased capacity for the enjoyment of life, loss of earnings, and loss of time in pursuing her education. The Plaintiff suffered permanent injury within a reasonable degree of medical probability. The losses are either permanent or continuing and Plaintiff ANIDE PIERRE-LOUIS will suffer the losses in the future.

WHEREFORE, Plaintiff ANIDE PIERRE-LOUIS sues Defendant City of Gainesville for damages in excess of \$15,000.00, exclusive of interest, prejudgment interest and costs, and demands a trial by jury of all issues so triable.

COUNT V

NEGILIGENCE OF DEFENDANT CITY OF GAINESVILLE TO MAINTAIN THE BUS'S SAFETY EQUIPEMNT

40. Plaintiff re-alleges the allegations of Paragraph 1 - 7, 15 - 24; and 31-39.
41. Defendant City of Gainesville, as a common carrier, owed a duty to provide adequate equipment for the safe conveyance of its passengers, and to
42. Defendant City of Gainesville, as a common carrier, owed the highest degree of care, foresight, prudence and diligence to the Plaintiff to keep her from reasonably anticipated harm.
43. Defendant City of Gainesville breached its duty of care to the Plaintiff by failing to maintain the safety equipment on the bus the Plaintiff alighted immediately prior to being struck by ELDREW LEWIS's car. The bus driver had previously reported that the horn on her bus was not working, however, the City of Gainesville failed to repair the bus prior to putting it into service on the route utilized by the Plaintiff.
44. It was reasonably anticipated that a third party vehicle would go around a stopped

bus and put alighting passengers in danger, therefore having reliable equipment to warn passengers of impending dangers, such as a blast from a horn, could have prevented such injuries as sustained by the Plaintiff.

45. As a direct and proximate result of the negligence of Defendant City of Gainesville, Plaintiff ANIDE PIERRE-LOUIS suffered severe and permanent injuries. Plaintiff has endured hospital stays, surgery, being bed ridden, debilitating pain, permanent incapacitating bodily injury, scaring, and time-consuming and expensive physical therapy, as well as decreased capacity for the enjoyment of life, loss of earnings, and loss of time in pursuing her education. The Plaintiff suffered permanent injury within a reasonable degree of medical probability. The losses are either permanent or continuing and Plaintiff ANIDE PIERRE-LOUIS will suffer the losses in the future.

WHEREFORE, Plaintiff ANIDE PIERRE-LOUIS sues Defendant City of Gainesville for damages in excess of \$15,000.00, exclusive of interest, prejudgment interest and costs, and demands a trial by jury of all issues so triable.

RESPECTFULLY SUBMITTED this 24 day of October 2008.

THE PINO LAW GROUP, P.A.

By: 

Charles T. Pino
Florida Bar Number 0496472
912 NW 51ST Rd, Suite A
Gainesville, Florida 32605
Telephone: (352) 317-3889
Facsimile: (352) 505-4424
Attorney for Plaintiff