

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

ALBERT FERGUSON,

Plaintiff,

vs.

CITY OF GAINESVILLE,
FLORIDA,

Defendant.

CASE NO.: 01-08-CA-3865

DIVISION: K.

A TRUE COPY

SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA

Served at 1400 on the 12 day

of July, 2008

BY [Signature]

2008 AUG 12 10 54 AM

As Deputy Sheriff in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Persons with a disability who need any accommodation in order to participate should call Jan Phillips, ADA Coordinator, Alachua County Courthouse, 201 E. University Ave., Gainesville, FL 32601 at (352) 337-6237 within two (2) working days of your receipt of this notice; if you are hearing impaired call (800) 955-8771; if you are voice impaired, call (800) 955-8770.

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 along with a copy of the Interrogatories and Request to Produce on defendant:

CITY OF GAINESVILLE, FLORIDA
c/o Pegeen Hanrahan, Mayor
City Hall, 200 East 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:

Daniel J. Glassman, Esquire
Rush & Glassman
11 Southeast Second Avenue
Gainesville, FL 32601

within twenty (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.

DATED on 7/23, 2008

Court Seal)

J.K. "BUDDY" IRBY,
Clerk of Court

By: Brenda Davis
Deputy Clerk

COPY

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COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff, ALBERT FERGUSON, and sues Defendant, the CITY OF GAINESVILLE, FLORIDA and in support thereof alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages that exceeds FIFTEEN THOUSAND DOLLARS (\$15,000.00) exclusive of costs and attorney's fees.

2. At all times material hereto, Plaintiff, ALBERT FERGUSON, was and is a natural person residing in Gainesville, Alachua County, Florida.

3. At all times material hereto, Defendant, the CITY OF GAINESVILLE, FLORIDA, was and is a city incorporated in the County of Alachua, State of Florida.

4. On or about October 18, 2007 Plaintiff, ALBERT FERGUSON, was the driver of a 2001 Chevrolet, on State Route 226 (SW 16th Avenue) 30 feet west of NW 13th Street in Gainesville, Alachua County, Florida.

5. That at that time and place Defendant's employee negligently operated the motor vehicle owned by Defendant, CITY OF GAINESVILLE, so that it collided with the motor vehicle driven by Plaintiff, ALBERT FERGUSON.

6. As a result of the aforementioned collision, Plaintiff, ALBERT FERGUSON, suffered permanent injury and damages.

COUNT I- NEGLIGENCE OF THE DEFENDANT

Plaintiff reincorporates paragraphs 1-6 above as if fully set fourth herein, and further states as follows:

7. Defendant, CITY OF GAINESVILLE, owed Plaintiff, ALBERT FERGUSON, and other motorists a duty to operate the motor vehicle its employee was driving in a reasonably safe and prudent manner.

8. Defendant breached that duty by, including, but not limited to, the following acts or omissions:

a. Failing to remain sufficiently attentive to surrounding traffic and driving conditions and circumstances while driving a motor vehicle;

b. Failing to take evasive action to avoid a collision once it should have become apparent that a collision was imminent;

c. Failing to remain in its own lane of traffic and failure to keep control of his vehicle to avoid a collision; and,

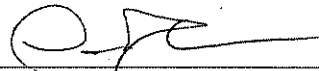
d. Failing to warn Plaintiff, ALBERT FERGUSON, of the impending collision.

9. As a direct and proximate cause of Defendant, CITY OF GAINESVILLE'S negligence, Plaintiff, ALBERT FERGUSON, suffered bodily injury including permanent injury to the body as a whole within a reasonable degree of medical probability, as well as aggravation of preexisting condition, including pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement,

mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of medical and nursing care and treatment, loss of earnings, loss of ability to earn money and loss of ability to lead and enjoy a normal life. The losses are either permanent or continuing and the plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, ALBERT FERGUSON, demands judgment against Defendant, CITY OF GAINESVILLE, in excess of \$15,000.00 (FIFTEEN THOUSAND DOLLARS), interest, costs, and such other relief as this Court may deem just and proper under the circumstances and a trial by jury of all issues so triable.

LAW OFFICE OF RUSH & GLASSMAN



DANIEL J. GLASSMAN

Fla. Bar #0053767

11 Southeast Second Avenue

Gainesville, FL 32601

352/373-7566

352/376-7760 Facsimile

Attorney for Plaintiff

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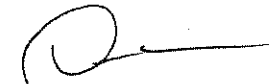
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NOTICE OF SERVICE OF FIRST SET OF INTERROGATORIES
TO DEFENDANT, CITY OF GAINESVILLE

Plaintiff, ALBERT FERGUSON, by and through his undersigned counsel, files this Notice of Service of First Set of Interrogatories numbered one (1) through Ten (10) and requests response by the Defendant, CITY OF GAINESVILLE, in writing and under oath, at the Office of RUSH AND GLASSMAN, 11 Southeast Second Avenue, Gainesville, Florida 32601, in accordance with Rule 1.340 of the *Florida Rules of Civil Procedure*.

I HEREBY CERTIFY that the original and one copy of the aforementioned Interrogatories and a true and correct copy of the foregoing have been furnished to CITY OF GAINESVILLE, along with the Complaint, by service of process.

Law Office of Rush and Glassman



Daniel Glassman, Esquire
Fl. Bar. No.: 0053767
11 Southeast Second Avenue
Gainesville, FL 32601
Telephone: (352) 373-7566
Facsimile: (352) 376-7760
Attorney for Plaintiff