

**LEGISTAR NO.**

**120194**

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

AGNES BURKE,

Plaintiff,

v.

CITY OF GAINESVILLE,

Defendant.

CASE NO.:

2012-CH-2195

DIVISION:

J

A True Copy  
SADIE DARNELL, SHERIFF  
ALACHUA COUNTY, FLORIDA  
Served at 9:54 AM on the 9 Day  
of July 2012  
BY: [Signature] AS DEPUTY SHERIFF 480

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 the Defendant, **CITY OF GAINESVILLE**, by serving its Registered Agent:

**CRAIG LOWE, MAYOR**  
200 East University Avenue  
Gainesville, Florida 32601

Each defendant is required to serve written defenses to the complaint or petition on plaintiffs' attorney whose name and address is William P. Galione, Esq., Bogin, Munns & Munns, P.A., 817 NW 56th Terr., Suite A, Gainesville, FL 32605, within 30 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 plaintiffs' 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.

OK per  
AMY

WITNESS my hand and the seal of said Court on this 30 of May, 2012.

J.K. "BUDDY" IRBY

**Clerk of the Court of Alachua County**



By:

[Signature]  
Deputy Clerk

**COPY**

J K IRBY  
CLERK OF CIRCUIT COURT  
CIVIL DEPARTMENT  
201 E UNIVERSITY AVE  
GAINESVILLE FL 32601

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**COMPLAINT**

The Plaintiff, AGNES BURKE, by and through the undersigned attorney, sues the Defendant, CITY OF GAINESVILLE, and states:

1. This is an action for damages in excess of \$15,000.00.
2. At all times relevant to this action, the Plaintiff, AGNES BURKE, was a resident of Newberry, Alachua County, Florida.
3. At all times relevant to this action, the Defendant, CITY OF GAINESVILLE, was a political subdivision of the State of Florida, with its principal headquarters in Alachua County, Florida.
4. At all times relevant to this action, the Defendant, CITY OF GAINESVILLE, owned and/or maintained and/or operated the Martin Luther King, Jr. Multi-Purpose Center, located at 1028 Northeast 14<sup>th</sup> Street in Gainesville, Alachua County, Florida.
5. On or about September 18, 2010, the Plaintiff, AGNES BURKE, was a business invitee at the Martin Luther King, Jr., Multi-Purpose Center and was lawfully on the premises for the purpose of attending a community event at that location.

6. On or about September 18, 2010, while in the Martin Luther King, Jr., Multi-Purpose Center, the Plaintiff, AGNES BURKE, tripped on a tarp that was not properly secured to the floor.
7. At the time and place described above, the Defendant, CITY OF GAINESVILLE, owed a duty to invitees to the Martin Luther King, Jr., Multi-Purpose Center, including the Plaintiff, AGNES BURKE, to provide a safe area to walk.
8. At the time and place described above, the Defendant, the CITY OF GAINESVILLE, knew, or by the exercise of reasonable care, should have known, of the hazardous and unsafe condition of the tarp in the Martin Luther King, Jr., Multi-Purpose Center.
9. At the time and place described above, the Defendant, the CITY OF GAINESVILLE, willfully, recklessly, and/or negligently breached its duty of care in the following ways:
  - a. by failing to exercise proper care in maintaining the tarp in a safe condition for a business patron or invitee, including properly securing the tarp to the floor;
  - b. by failing to warn the Plaintiff of the dangerous condition of the tarp; and
  - c. by failing to properly hire and train employees to provide a safe walkway and a secure tarp on the floor for invitees.
10. As a direct and proximate result of the negligence by the Defendant, CITY OF GAINESVILLE, the Plaintiff, AGNES BURKE, has suffered bodily injury, and resulting pain and suffering, disability, disfigurement, mental anguish and pain, and aggravation of a previously existing condition and has incurred substantial medical expenses for treatment and care, past, present and future. These losses, injuries, and expenses are either permanent or continuing in nature and the Plaintiff, AGNES BURKE, will continue into the future.

11. Plaintiff, AGNES BURKE, gave written notice of the above-mentioned incident to the Defendant on October 12, 2010 by certified U.S. mail, pursuant to Florida Statutes §768.28.

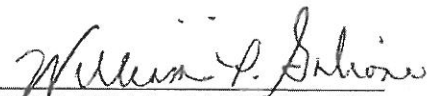
12. More than 6 months have elapsed since notice was provided to the Defendant, and final disposition has not been reached.

13. The Plaintiff, AGNES BURKE, has satisfied all conditions precedent to bringing this lawsuit.

WHEREFORE, the Plaintiff, AGNES BURKE, demands judgment for damages in an amount exceeding \$15,000.00, together with the costs of this action, and further demands trial by jury on all issues so triable.

DATED this 24 day of May, 2012.

BOGIN, MUNNS & MUNNS, P.A.

  
WILLIAM P. GALIONE, ESQ.  
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817 N.W. 56th Terrace, Suite A  
Gainesville, FL 32605  
Telephone (352) 332-7688  
Fax (352) 332-7692  
Attorneys for Plaintiff