

LEGISTAR NO.

160455

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

TEODOSIA ALARCON

CASE NO.:

Plaintiff,

DIVISION:

v.

CITY OF GAINESVILLE

Defendant.

COMPLAINT

The Plaintiff, TEODOSIA ALARCON, 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, TEODOSIA ALARCON, was a resident of Gainesville, 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 the sidewalk in front of 611 North Main Street in Gainesville, Alachua County, Florida.
5. On or about January 27, 2015, the Plaintiff, TEODOSIA ALARCON, was a public invitee walking along North Main Street in Gainesville, Florida.

6. On or about January 27, 2015, while walking along the sidewalk in front of 611 North Main Street, the Plaintiff, TEODOSIA ALARCON, tripped over a raised edge of a section of the sidewalk.
7. At the time and place described above, the Defendant, CITY OF GAINESVILLE, owed a duty to invitees who used the public sidewalk in that area 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 sidewalk described above.
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 and repairing the sidewalk so that **there was an even walking surface;**
 - b. by failing to warn the Plaintiff of the dangerous condition of the sidewalk; and
 - c. by failing to properly hire and train employees to provide a safe sidewalk for invitees.
10. As a direct and proximate result of the negligence by the Defendant, CITY OF GAINESVILLE, the Plaintiff, TEODOSIA ALARCON, 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, TEODOSIA ALARCON, will continue into the future.

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

12. The Plaintiff, TEODOSIA ALARCON, has satisfied all conditions precedent to bringing this lawsuit.

WHEREFORE, the Plaintiff, TEODOSIA ALARCON, 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 19th day of July, 2016.

BOGIN, MUNNS & MUNNS, P.A.

/s/ William P. Galione
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