



# MEMORANDUM

Office of the City Attorney

100600  
Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commissioners

DATE: January 6, 2011

FROM: City Attorney

CONSENT


SUBJECT: GENENE BARTLEY VS. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2010-CA-6601

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Recommendation: The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Genene Bartley vs. City of Gainesville; Eighth Judicial Circuit, Case No. 2010-CA-6601.

On December 8, 2010, the City was served with a Summons and Complaint filed by Genene Bartley in the Circuit Court. Ms. Bartley alleges that she was involved in an automobile accident with a City vehicle on October 23, 2008 on NE 11<sup>th</sup> Street in Gainesville. She claims to have sustained bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money, and aggravation of a previously existing condition. Ms. Bartley seeks money damages in excess of \$15,000.00.

Prepared by:

  
Daniel M. Nee,  
Litigation Attorney

Submitted by:

  
Marion J. Radson  
City Attorney

DMN/cgow

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF THE  
STATE OF FLORIDA IN AND FOR ALACHUA COUNTY  
CIVIL DIVISION

GENENE BARTLEY,

Plaintiff,

vs.

CITY OF GAINESVILLE,

Defendant.

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Case No.: 10-CA-6601

Division: J

COMPLAINT

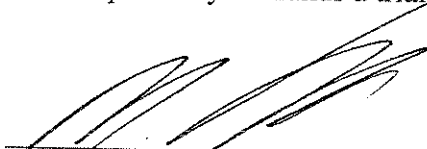
COMES NOW, the Plaintiff, GENENE BARTLEY, by and through her undersigned counsel, and sues the Defendant, CITY OF GAINESVILLE and shows unto this Honorable Court as follows:

1. This is a claim for damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), exclusive of costs and fees.
2. All Conditions precedent have occurred or have been complied with pursuant to Fla. Stat. §768.28(6).
3. That on October 23, 2008, the Plaintiff, GENENE BARTLEY, was the operator and owner of a 1989 Chevrolet motor vehicle and was operating said motor vehicle on NE 11<sup>th</sup> Street, in Gainesville in Alachua County, Florida.
4. That at the aforesaid time and place, Mose Rochelle, was the operator of a 2001 Ford motor vehicle owned by the Defendant, CITY OF TAMPA, Mose Rochelle was operating said vehicle while in the scope of employment and with the consent and permission of the Defendant, CITY OF GAINESVILLE and did operate said vehicle in

such a careless and negligent manner as to cause it to collide with the vehicle occupied by the Plaintiff.

5. As a result of said collision, the Plaintiff, GENENE BARTLEY, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money, and aggravation of a previously existing condition. The losses are either permanent in nature or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, GENENE BARTLEY, sues the Defendant, CITY OF GAINESVILLE, and claims damages in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), together with costs and respectfully demands a trial by jury.



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WILLIAM H. WINTERS, ESQUIRE  
WINTERS & YONKER, P.A.  
Post Office Box 3342  
Tampa, Florida 33601  
(813) 223-6200  
(813) 223-6900 fax  
Florida Bar#: 437263  
Attorney for Plaintiff

MAILING ADDRESS: POST OFFICE BOX 3342  
TAMPA, FLORIDA 33601

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WINTERS  
&  
YONKER, P.A.  
ATTORNEYS AT LAW

GAINESVILLE/OCALA	(352) 376-0707
FAX	(352) 376-0202
FT. MYERS/NAPLES	(239) 226-9700
FAX	(239) 226-0042
JACKSONVILLE	(904) 353-8200
FAX	(904) 353-8201
LAKELAND	(863) 683-4800

October 31, 2008

City of Gainesville  
Underwriter Safety & Claims  
c/o Department Risk Management  
Post Office Box 490  
Station 60  
Gainesville, FL 32602

Re: Case Style: Genene L. Bantley v. City of Gainesville  
Tribunal: Alachua County Circuit Court  
D/Accident: October 23, 2008  
Location: NE 11<sup>th</sup> Street  
Gainesville, Alachua County, Florida

Dear Sir or Madam:

Please be advised that I am writing on behalf of the above persons in a claim for personal injuries, past and future medical expenses, past and future earnings/earning ability, pain and suffering, loss of ability to enjoy life, inconvenience, and all other losses/expenses as the result of an automobile accident, which occurred at NE 11<sup>th</sup> Street, in Gainesville, Alachua County, Florida on October 23, 2008.

My client is, Genene L. Bantley. Ms. Genene L. Bantley was born on May 23, 1960. Her social security number is 266-47-1608. Ms. Genene L. Bantley address is 1733 S.R. 20 Hawthorne, Florida 33640. At the present time the following is unknown: nature and amount of all adjudicated penalties, fines, fees, victim restitution fund, and other judgments in excess of \$200.00. There are no prior adjudicated unpaid claims in excess of \$200.00.

My client's injuries were to her neck, low back and right foot pain. There were no photographs taken of her injuries.

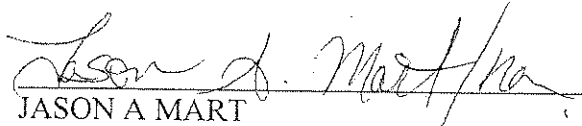
The copies of her medical bills and reports, as required by your establishment, will be provided under separate cover.

October 31, 2008  
City of Gainesville  
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Please accept this letter as notice of claim pursuant to Section 768.28(6) Florida Statutes, with regard to the above matter. This claim is directed against the City of Gainesville. If this is not sufficient or proper notice under the Statute, please notify my office immediately.

Please conduct your investigation accordingly and direct any further correspondence with regard to this claim to the undersigned.

Sincerely,

  
JASON A MART  
CASE MANAGER

JAM/na

cc: Department of Financial Services – Regular Mail

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7008 1830 0001 1169 1396

MAILING ADDRESS: POST OFFICE BOX 3342  
TAMPA, FLORIDA 33601

TOLL FREE (888) 373-7770  
TAMPA (813) 223-6200  
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LAKE LAND (863) 683-4800

October 31, 2008

Department of Financial Services  
**ATTENTION: DIVISION OF RISK MANAGEMENT**  
200 East Gaines Street  
Tallahassee, FL 32399-0300

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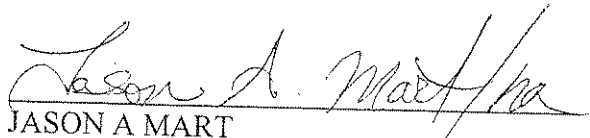
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