



MEMORANDUM

Office of the City Attorney

0 0 0 7 5 2

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

TO: Mayor and City Commissioners

DATE: December 11, 2000

FROM: City Attorney

CONSENT

SUBJECT: Earselene Zimmerman v. City of Gainesville;
Case No.: 01-00-CA-4075

Recommendation: The City Commission authorize the City Attorney to represent the City in the case styled Earselene Zimmerman v. City of Gainesville.

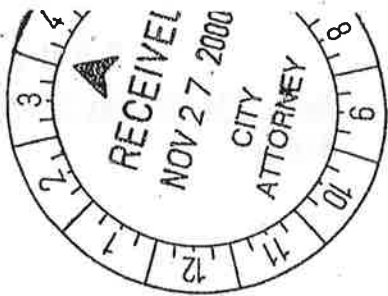
On or about November 28, 2000, the City was served with a complaint by Earselene Zimmerman. Ms. Zimmerman was involved in an automobile accident on May 1, 1999 at the intersection of Southeast 19th Terrace and Southeast 12th Avenue, Gainesville. Ms. Zimmerman alleges that a Gainesville Regional Transit bus negligently hit her vehicle causing her serious injuries and damages.

Prepared by:

Debra S. Babb,
Assistant City Attorney

Approved and
submitted by:

Marion J. Radson,
City Attorney



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

EARSELENE ZIMMERMAN,

CASE NO.: 01 00 CA 4075

Plaintiff,

v.

A TRUE COPY DIVISION: K
STEPHEN M. GELRICH, SHERIFF
ALACHUA COUNTY, FLORIDA

CITY OF GAINESVILLE

Served at 3:22 P.M. on the 27 day
of NOV 20 2000
By P. Blann

Defendant.

As Deputy Sheriff

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 201 East University Ave., Gainesville FL 32601, at (352) 374-3648, within 2 working days of your receipt of this notice. If you are hearing or voice impaired, call TDD 1-800-955-8771.

SUMMONS

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE: You are hereby commanded to serve this Summons and a copy of the Complaint, Interrogatories, Request to Produce and Request for Admissions on the following Defendant:

CITY OF GAINESVILLE
c/o Marion Radson
City Attorney
200 East University Avenue, 4th Floor
Gainesville, FL 32601

Each Defendant is required to serve written defenses to the complaint or petition on plaintiff's attorney whose name and address is, CHRISTOPHER J. ANNIS, Attorney for Plaintiff, 5208 SW 91st Drive, Gainesville, FL 32608, (352) 376-8600, FL BAR NO. 120881, within 20 30 days after service of this summons on that defendant, exclusive to 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 the Defendant for the relief demanded in the complaint or petition.

WITNESS my hand and the seal of this Court this 17 day of Nov, 2000.

J.K. "BUDDY" IRBY

CLERK OF THE COURT

(SEAL)



By James Kinter
As Deputy Clerk

COPY

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

EARSELENE ZIMMERMAN,

Plaintiff,

CASE NO.:

DIVISION:

v.

CITY OF GAINESVILLE,

Defendant.

COMPLAINT

Plaintiff, EARSELENE ZIMMERMAN, sues Defendant, CITY OF GAINESVILLE, and alleges:

1. This is an action for damages that exceed \$15,000.
2. This action is brought pursuant to the Florida Tort Claims Act, Fla. Stat. § 768.28.
3. Defendant CITY OF GAINESVILLE is a municipal corporation authorized and existing under the laws of Florida. Defendant is charged by law with the operation of a regional transit system within its city limits.
4. Pursuant to Fla. Stat. § 768.28(6)(a), notice of the injuries described in this complaint was provided to Defendant CITY OF GAINESVILLE and to the Florida Department of Insurance, on June 2, 1999. A copy of the notice is attached to this complaint as Exhibit A.
5. On February 7, 2000, Plaintiff's claim was denied by Defendant. Thus, Plaintiff's claim is deemed denied for purposes of the notice requirements imposed by the Tort Claims Act.
6. On or about May 1, 1999, Defendant CITY OF GAINESVILLE owned a motor vehicle that was operated with its consent by its agent or employee at the intersection of

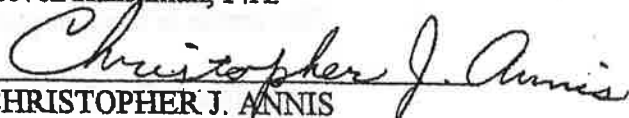
Southeast 19th Terrace and Southeast 12th Avenue in Gainesville, Alachua County, Florida.

7. At that time and place Defendant's agent or employee negligently operated or maintained the motor vehicle so that it collided with Plaintiff's motor vehicle.

8. As a result, Plaintiff 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 ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and plaintiff will suffer the losses in the future. Plaintiff's automobile was damaged and he lost the use of it during the period required for its repair or replacement.

WHEREFORE Plaintiff EARSELENE ZIMMERMAN demands judgment for damages against Defendant, together with costs, and further demands a trial by jury.

Steven Kalishman, P.A.


CHRISTOPHER J. ANNIS

FL Bar No.: 120881

5346 SW 91st Terr.

Gainesville, FL 32608-7124

(352) 376-8600

Attorney for Plaintiff

LAW OFFICES
STEVEN KALISHMAN, P.A.

WWW.FLALITIGATORS.COM

STEVEN KALISHMAN
CHRISTOPHER J. ANNIS

DOLLY TEMPLETON
PARALEGAL

HAILE VILLAGE CENTER
5346 S.W. 91ST TERRACE
GAINESVILLE, FLORIDA 32608-7124
TELEPHONE: (352) 376-8600
FAX: (352) 376-0026

June 2, 1999

City Commission
P.O. Box 490
Gainesville, FL 32602

Florida Department of Insurance
Bureau of Consumer Assistance
Larson Building, 200 E. Gaines Street
Tallahassee, FL 32399-0300

RE: Our Client:	Earselene Zimmerman
D/Accident:	5/1/99
Your Insured:	Gainesville Regional Transit System
Claimant's Date of Birth:	1/14/30
Claimant's Place of Birth:	Hawthorne, Florida
Claimant's S.S.#:	264-42-3997

Dear Sir/Madam:

Pursuant to Florida Statute §768.28 and related statutory provisions, notice is hereby provided of the intent to initiate litigation against the City of Gainesville for personal injuries sustained for a negligent or wrongful act or omission of an employee acting in the scope of her employment with the City of Gainesville.

There exists no prior adjudicated unpaid claim in excess of \$200 owed by the Claimant to the state, its agency, officer or subdivision.

This claim is a result of the actions of a driver of a Gainesville Regional Transit System Bus. Mrs. Zimmerman was traveling south on SE 19th Terrace when she was stopped at a stop sign, in Gainesville, Alachua County, Florida. Your insured's driver was traveling east on SE 12th Avenue and attempted to turn left onto SE 19th Terrace when she slammed into Mrs. Zimmerman's vehicle. As a result, Mrs. Zimmerman sustained serious injuries and damages.

Please direct all future communications and correspondence related to this claim to the undersigned.

Sincerely,



Steven J. Kalishman
Attorney for Earselene Zimmerman

cc: Earselene Zimmerman

