

LEGISTAR NO.

150110

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

CURTIS L. MARTIN,

CASE NO.: 01-2015-CA-1896

Plaintiff,

v.

CITY OF GAINESVILLE, FLORIDA,

Defendant.

COMPLAINT

Plaintiff, CURTIS L. MARTIN, sues Defendant, CITY OF GAINESVILLE, FLORIDA, and alleges:

1. This is an action for damages that exceed \$15,000, exclusive of court costs.
2. On or about January 13, 2014, Plaintiff was a business invitee at Defendant's Depot Park, located in Gainesville, Alachua County, Florida.
3. At that time and place, Plaintiff was buried by dirt while working in a trench, causing him to be injured.
4. Defendant knew or should have known of the dangerous condition created by the trench, but failed to warn Plaintiff.
5. Plaintiff has complied with all conditions precedent to filing of this action.
6. At the aforesaid time and place, the Defendant had a duty to maintain the aforementioned premises in a reasonably safe condition for persons lawfully on said premises, to include the Plaintiff herein.

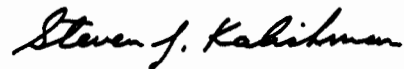
7. At the aforesaid time and place, Defendant, by and through its agents, servants and employees, disregarding said duty, allowed Plaintiff to continue working in the dangerous trench.
8. At the aforesaid time and place, Defendant, by and through its agents, servants and employees, failed to exercise reasonable care by committing one or more of the following careless and negligent acts or omissions:
 - a. Improperly operated, managed, maintained and controlled its premises by failing to properly maintain a safe work environment;
 - b. Failed to require the use of various safety measures to prevent the collapse of the trench in which Plaintiff was working;
 - c. Failed to warn Plaintiff of the dangerous condition when Defendant knew or should have known in the exercise of ordinary care that said warning was necessary to prevent injury to the Plaintiff;
 - d. Failed to make a reasonable inspection of its premises when it knew or in the exercise of ordinary care should have known that said inspection was necessary to prevent injury to the Plaintiff and others lawfully on said premises;
 - e. Allowed the aforementioned premises to remain in a dangerous condition for an unreasonable length of time.
 - f. Was otherwise careless and negligent in the operation of its premises.

9. As a direct and proximate result of Defendant's negligence as described above, Plaintiff suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for enjoyment of life, expense of hospitalization, medical care and treatment, lost wages and loss of earning capacity. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff demands judgment against Defendant, together with litigation costs, and further demands trial by jury.

DATED May 19, 2015.

STEVEN KALISHMAN, P. A.



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