



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commissioners

DATE: November 26, 2007

FROM: City Attorney


CONSENT

SUBJECT: Marilyn Patrick vs. City of Gainesville, a Political Subdivision of Florida;
Eighth Judicial Circuit, Court Case No. 01-2007-CA-3041

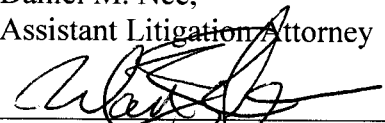
Recommendation: The City Commission authorize the City Attorney to represent the City of Gainesville in the case Marilyn Patrick vs. City of Gainesville, a Political Subdivision of Florida; Eighth Judicial Circuit, Court Case No. 01-2007-CA-3041

On November 8, 2007, the City was served with a Summons and Complaint filed by Marilyn Patrick in the Circuit Court. Ms. Patrick alleges that on September 4, 2003, she was a passenger on a Regional Transit System bus when the driver of the bus negligently operated the bus in such a manner that Ms. Patrick was thrown to the floor. She claims to have sustained bodily injury, loss of capacity for the enjoyment of life, expenses for medical care and treatment in the past and in the future, loss of ability to earn money. Ms. Patrick seeks money damages.

Prepared by:


Daniel M. Nee,
Assistant Litigation Attorney

Submitted by:


Marion J. Radson,
City Attorney

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

MARILYN PATRICK,
Plaintiff,

vs.

CITY OF GAINESVILLE, a Political
Subdivision of Florida,
Defendant.

CASE NO.: 01.07.CA 3041
DIVISION:

JK "BUDDY" FRY
CLERK OF COURTS
ALACHUA COUNTY, FL.

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FILED
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COMPLAINT FOR DAMAGES
Count I

Plaintiff, MARILYN PATRICK (hereinafter referred to as **PLAINTIFF**) sues
Defendant, CITY OF GAINESVILLE, a Political Subdivision of Florida (hereinafter referred
to as **DEFENDANT**), and demands a trial by jury on all issues so triable, and alleges the
following:

1. That this is an action for damages in excess of \$15,000.00;
2. That at all times material hereto, **PLAINTIFF** was and is a permanent resident of Gainesville, Alachua County, Florida;
3. That at all times relevant to this action, **DEFENDANT**, was and is a political subdivision of the State of Florida, located in Alachua County;
4. That on or about 4 September 2003, within the municipality of the City of Gainesville, an employee for the **DEFENDANT**, while in the course and scope of her employment as a Regional Transit System bus driver negligently operated a bus transporting **PLAINTIFF** in such a manner that she was thrown to the floor;

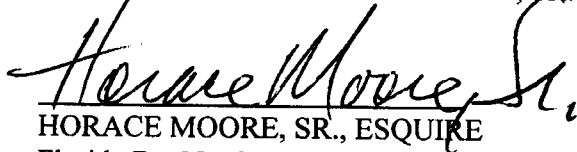
Case: 2007 CA 003041
0009199786
Dkt: 009-N



5. That as a result of the aforementioned negligent act and fall of **PLAINTIFF**, the same having been directly and proximately caused by the driving of the **DEFENDANT**'s afore-mentioned employee, **PLAINTIFF** suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for enjoyment of life, expense of medical treatment, and loss of ability to earn money. The losses are permanent in nature and **PLAINTIFF** will suffer said losses in the future;
6. That all conditions precedent to filing this complaint have been met, pursuant to Florida Statute 768.28(6), prior to the running of the Statute of Limitation;

WHEREFORE, PLAINTIFF demands judgement for damages against **DEFENDANT**, in excess of \$15,000.00, exclusive of interest and costs, and such other damages as this Honorable Court deems appropriate.

LAW OFFICE OF HORACE MOORE, SR.



HORACE MOORE, SR., ESQUIRE

Florida Bar No. 316725

Post Office Box 2146

Gainesville, Florida 32602

Attorney for Plaintiff