

LEGISTAR NO.

150080

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

CYNTHIA PATRICK and ROY
VAUGHN, her husband,

Plaintiffs,

vs.

THE CITY OF GAINESVILLE,

Defendant.
_____ /

FILED
5/29/15

Case No.:

Division: _____

COMPLAINT

COMES NOW the Plaintiffs, CYNTHIA PATRICK and ROY VAUGHN, her husband, by and through their undersigned attorneys, and files their Complaint against Defendant, THE CITY OF GAINESVILLE ("GAINESVILLE") and respectfully states unto the Court the following:

1. This is a cause of action for damages in excess of \$15,000.00.
2. At all material times, Plaintiffs, CYNTHIA PATRICK and ROY VAUGHN, were residents of Alachua County, Florida.
3. At all material times, Defendant, GAINESVILLE, was a government entity authorized to and doing business in Alachua County, Florida.
4. On or May 3, 2012, Defendant, GAINESVILLE was the owner, operator and in possession of Bo Diddley Community Plaza and the adjacent public walk, located in Alachua County, Gainesville, Florida.
5. At that time and place, Plaintiff, CYNTHIA PATRICK, was walking in or about the Bo Diddley Community Plaza and the adjacent public walk, when she was caused to trip and fall on an unmarked and non-obvious portion of dangerously uneven sidewalk pavers.

6. Defendant, GAINESVILLE, had a duty to maintain its plaza and sidewalks in a reasonably safe condition and to warn of any defects in the condition of its plaza and sidewalks.

8. Defendant, GAINESVILLE, created and/or maintained and/or allowed the unreasonably dangerous condition to exist that caused Plaintiff, CYNTHIA PATRICK, to trip and fall.

9. Defendant, GAINESVILLE, knew or should have known the unreasonably dangerous condition existed.

10. Defendant, GAINESVILLE, failed to warn Plaintiff, CYNTHIA PATRICK, of the unreasonably dangerous condition.

11. As a direct and proximate result, Plaintiff, CYNTHIA PATRICK, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expensive hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and/or aggravation of a previously existing condition.

WHEREFORE, Plaintiffs, CYNTHIA PATRICK and ROY VAUGHN, her husband, demands judgment against Defendant, CITY OF GAINESVILLE, for damages in an amount in excess of \$15,000.00, together with costs incurred and attorneys fees if applicable herein, and further demands a trial by jury on all issues so triable.

COUNT II – LOSS OF CONSORTIUM CLAIM

12. Plaintiffs adopt and reallege the allegations contained in paragraphs 1-11 above as if fully set forth herein.

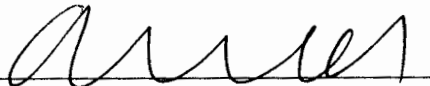
13. At all material times herein, ROY VAUGHN was the lawful husband of Plaintiff, CYNTHIA PATRICK.

14. As a direct and proximate result of the aforesaid negligence, Plaintiff, ROY VAUGHN, has in the past, and will continue in the future, to lose the care, comfort, companionship, and consortium of his wife, CYNTHIA PATRICK.

WHEREFORE, Plaintiffs, CYNTHIA PATRICK and ROY VAUGHN, her husband, demand judgment against Defendant, CITY OF GAINESVILLE, for damages in an amount in excess of \$15,000.00, together with costs incurred and attorneys' fees if applicable herein, and further demand a trial by jury on all issues so triable.

Dated this 29 day of May, 2015.

WARNER, SECHREST & BUTTS, P.A.



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