

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

Case No. *01-08-CA-4713*
Div. K

NICOLE BOYLE,
Plaintiff,

vs.

CITY OF GAINESVILLE, FLORIDA,
a political subdivision of the
State of Florida,

Defendant.

Day

5/1

A TRUE COPY
SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA

Served at *City of Gainesville* on the *17*
of *Sept* 20*08*
BY *[Signature]*
As Deputy Sheriff

SUMMONS

THE STATE OF FLORIDA

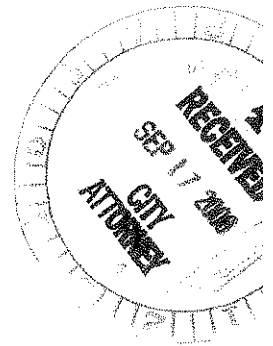
To each Sheriff of the State:

YOU ARE COMMANDED to serve this summons and a copy of the
Complaint or Petition in this action on Defendant, CITY OF
GAINESVILLE, FLORIDA, by serving:

c/o Pegeen Hanrahan, Mayor
City of Gainesville, Florida
200 E University Avenue
Gainesville, Florida 32601

Each Defendant is required to serve written defenses to the
Complaint or Petition on Plaintiff's attorney whose name and
address is:

MOODY, SALZMAN & LASH
Anthony J. Salzman, Esquire
Florida Bar No.: 224790
Post Office Drawer 2759
Gainesville, Florida 32602
(352) 373-6791 / Fax (352) 377-3861
Attorneys for Plaintiff

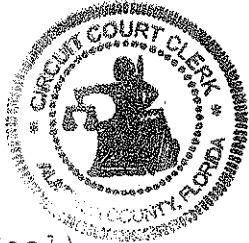


within thirty (30) days after service of this summons on that
Defendant, CITY OF GAINESVILLE, FLORIDA, exclusive of the day of
service, and to file the original of the defense with the Clerk of
this Court either before service on Plaintiff's attorney or

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 seal of said Court on 9/15, 2008.

J.K. "BUDDY" IRBY
Clerk of the Circuit Court



(Court Seal)

By: Carrie Williams
As Deputy Clerk

COPY

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 Jan Phillips, Personnel Specialist, Alachua County Courthouse, 201 East University Avenue, Gainesville, Florida 32601, (352) 374-3648, within two (2) working days of your receipt of this Summons; if you are hearing or voice impaired, call 1-800-955-8771.

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Case No. 01-08-CA-4713
DIVISION "K"

NICOLE BOYLE,

Plaintiff,

vs.

CITY OF GAINESVILLE, FLORIDA,
a political subdivision of the
State of Florida,

Defendant.

COMPLAINT

Plaintiff, NICOLE BOYLE, sues Defendant, CITY OF GAINESVILLE,
FLORIDA, and alleges:

1. This is an action for damages in excess of \$15,000.00,
exclusive of costs and attorney's fees.
2. Plaintiff is a resident of Alachua County, Florida.
3. At all times material hereto, Defendant, CITY OF
GAINESVILLE, FLORIDA, was and is a municipal corporation and a
political subdivision of the State of Florida, located in Alachua
County, Florida.
4. At all times material hereto, Clive Roopchand was an
employee of the CITY OF GAINESVILLE acting within the course and
scope of his employment.
5. At all times material hereto, the CITY OF GAINESVILLE,
FLORIDA, operated a bus service under the title "Regional Transit
System (RTS)."

6. On October 13, 2005, the CITY OF GAINESVILLE, FLORIDA, was notified of this claim pursuant to Florida Statutes §768.28 by virtue of a claim letter sent via U.S. Mail, Return Receipt Requested, to Russ Blackburn, City Manager, which was receipted by the CITY OF GAINESVILLE, FLORIDA, on October 13, 2005. The Regional Transit System notification was also made on October 13, 2005, to Jeff Logan, manager of the Regional Transit System, which was receipted on October 13, 2005, and on Tom Gallagher, Insurance Commissioner, which was receipted on October 17, 2005. A copy of said letters and the original return receipts are attached hereto as Composite Exhibit A and made a part hereof.

7. The letter and return receipts attached hereto as Exhibit A represent full and complete compliance with all prerequisites to suing a municipal corporation and the political subdivision of the State of Florida as required by Florida law, and Plaintiff has complied with all conditions precedent to filing this action.

8. All acts relevant to this action occurred in Alachua County, Florida.

9. On or about October 4, 2005, the CITY OF GAINESVILLE, FLORIDA, owned a bus which was being operated through the Regional Transit System and operated by its employee, Clive Roopchand, at or

near the intersection of Museum Road and Newell Drive on the campus of the University of Florida, in Gainesville, Alachua County, Florida.

10. The operator of the bus owed a duty to the Plaintiff, to operate the bus in such a manner as to prevent it from colliding with the Plaintiff's bicycle.

11. At said time and place, Plaintiff, NICOLE BOYLE, was riding a bicycle eastbound on Museum Road when she was struck from the rear by said bus.

12. At that time and place, Clive Roopchand negligently operated or maintained the CITY OF GAINESVILLE-owned bus so that the bus collided with the bicycle operated by Plaintiff, NICOLE BOYLE.

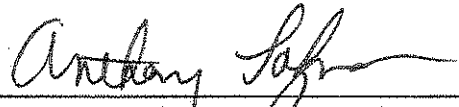
13. As a direct and proximate result of the foregoing negligence, Plaintiff, NICOLE BOYLE, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, aggravation of a previously existing condition, and damage to her bicycle. These losses are either permanent or continuing in nature, and Plaintiff shall suffer such losses in the future.

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WHEREFORE, Plaintiff, NICOLE BOYLE, demands judgment against Defendant, CITY OF GAINESVILLE, FLORIDA, for damages, plus post-judgment interest and costs and demands a trial by jury.

Dated: 09/03/08

MOODY, SALZMAN & LASH



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