# LEGISTAR NO. 120897

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

ANTHONY CLARK JR. A MINOR'

'n

CASE NUMBER: 2012 . CA - 1734

DIVISION: J

BY AND THROUGH HIS PARENT AND NATURAL GUARDIAN AQUALIA CURTIS, AND AQUALIA CURTIS INDIVIDUALY **PLAINTIFFS** 

Vs.

CITY OF GAINESVILLE a Municipal Corporation, and GAINESVILLE REGEIONAL ULTILITIES A/K/A GRU

### NEGLIGENCE COMPLAINT

Plaintiffs ANTHONY CLARK JR, a minor, [hereinafter MINOR], by and through his parent and natural guardian. AQUALIA CURTIS and AQUALIA CURTIS individually sue Defendants CITY of GAINESVILE [hereinafter CITY] and GAINESVILLE REGIONAL ULTILITIES a/k/a GRU, [HERINAFTER GRU] and states:

- 1. This is an action for damages that is in excess of \$15,000.00.
- 2. At all times Plaintiffs were residents of Alachua County, Florida.
- 3. Defendant CITY is a governmental Municipality organized under the Laws of the State of Florida and is located in Alachua County, Florida.
- 4. Defendant, GRU is a Division of Defendant CITY and is their agent or employee. acting within the course and scope of their prescribed authority.
- 5. Notice has been given to Defendants in accordance with Florida Statute 768.28 [attached].
- 6. On or about April 28, 2008, minor Plaintiff was getting off a school bus and as he was walking to his daycare provider's home a power line affixed to a GRU pole broke free. dropping on to him and sending a jolt of electricity through his body casing severe burns.
- 7. The electrocution has damaged MINORS brain causing learning disability, physical and mental handicap, behavioral problems and permanent damage to mental capacity together with fear and anxiety.
- 8. Defendants CITY AND GRU failed to warn of the condition and failed to make repair , inspection operation or otherwise maintain the pole and lines. And was otherwise negligent.
- 9. As a direct and proximate result of the Defendants' negligence MINOR has sustained serious permanent physical and mental injuries, pain and suffering, disability, handicap, mental anguish, loss of capacity for enjoyment of life, expense of hospitalization medical and other care and treatment, loss of ability to earn money and aggravation of a



previously existing condition. The losses are either permanent or continuing and the MINOR will suffer losses in the future.

10. As a result of the allegations stated above, Plaintiff AQUALIA CURTIS has suffered the loss of MINOR'S services, society and companionship and has incurred expenses for hospitalization and other medical care and treatment including counseling and will continue to suffer losses in the future.

WHERFORE,, Plaintiffs demand judgment for Damages against Defendants and trial by jury.

Robert L. Williams
Attorney for Plaintiffs
PO BOX 141542

Gainesville. Fl. 32614 353-374 8494

FBN: 262447

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TELEPHONE (352) 373-7564 FACSIMILE (352) 376-7760

May 12, 2008

Underwriters Safety & Claims c/o Dept of Risk Management Attn: Curtis Luster Post Office Box 490, Station 60 Gainesville, Florida 32602-0490

Re:

Our client:

Aqualia Curtis

Injured Party:

Anthony Clark Jr. (Minor)

Your claim#:

GC2008629170

Date of loss:

April 28, 2008

### Dear Mr. Luster:

This claim is in compliance with the notice provisions of §768.28, Florida Statutes. This claim is based upon a personal injury incident which occurred on April 28, 2008 involving faulty utility wiring.

Specifically, on April 28, 2008, my client's minor son arrived at his after school care facility, which is his daily drop-off location. As he approached the facility, a live electrical wire fell from a utility pole onto our client, causing severe burns to his arm and feet. The incident occurred at 104 SE 24th Street, which is within the Gainesville city limits.

No prior adjudicated unpaid claim in excess of \$200.00 exists. If I may provide you with any additional information, please do not hesitate to contact me. I wish to promptly resolve this matter.

Sincerely,

Daniel J. Glassman

DJG/das



May 29, 2008

Law Offices of Rush & Glassman Attn: Daniel J. Glassman 11 Southeast Second Avenue Gainesville, FL 32601

RE: Our Client: City of Gainesville Our Claim #: GC2008629170 Date of Loss: 04/28/2008

Your client (s): Aqualia Curtis & Anthony Clark, Jr. (minor)

Dear Mr. Glassman:

We acknowledge your letter of representation dated May 12, 2008 and your request for insurance information. Please note that Underwriters Safety & Claims is the third party claims administrator for the City of Gainesville and Gainesville Regional Utilities.

Our client is self-insured for all General Liability claims and limits of liability are pursuant to F.S. 768.28. There is no primary policy of insurance and no excess or umbrella policies.

If you wish to discuss this incident please contact our office at (352) 334-3152 or the City Attorney office at (352) 334-5011.

Sincerely,

**Curtis Luster** 

Sr. Claims Adjuster

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CC: City Attorney Office

Department of Risk Management

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c/c Department of Risk Management • P.O. Box 490 • Station 60 • Gainesville, FL 32602-0490

Phone (352) 334-3152 • Fax (352) 334-3198