

Answer  
DUE  
7/23/09

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

JAY SCOTT KILLGORE, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF CINDY KILLGORE, ON BEHALF OF  
THE ESTATE OF CINDY KILLGORE,  
ALICE KILLGORE, AND JAY SCOTT  
KILLGORE

CASE NO. 01-09-CA-3096  
DIVISION: J

Plaintiffs,

vs.

THE CITY OF GAINESVILLE and THE  
GAINESVILLE-ALACHUA COUNTY  
REGIONAL AIRPORT AUTHORITY

Defendants.

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. Persons with a disability who need any accommodation in order to participate should call Jan Phillips, ADA Coordinator, Alachua County Courthouse, 201 E. University Ave., Gainesville, FL 32601 at (352) 337-6237 within two (2) working days of your receipt of this notice; if you are hearing impaired call (800) 955-8771; if you are voice impaired, call (800) 955-8770.

**SUMMONS**

THE STATE OF FLORIDA  
To Each Sheriff of the State:

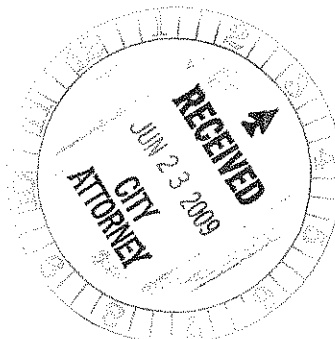
YOU ARE COMMANDED to serve this summons and a copy of the Complaint and Interrogatories and Request for Production in this action on defendant

THE CITY OF GAINESVILLE  
c/o Russ Blackburn, City Manager  
200 E. University Avenue  
Gainesville, FL 32601

Each defendant is required to serve written defenses to the Complaint Plaintiff's attorney whose name and address is

Rodney D. McGalliard, Esq. 352-378-6118  
McGalliard & Brady  
1216 N.W. 8th Avenue  
Gainesville, FL 32601  
352-378-6118

A True Copy  
SADIE DARNELL, SHERIFF  
ALACHUA COUNTY, FLORIDA  
Served at 10:16 on the 23 Day  
of June, 20 09  
BY [Signature]  
AS DEPUTY SHERIFF



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within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses 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 that defendant for the relief demanded in the complaint.

WITNESS my hand and the seal of said Court on June 12, 2009.



J.K. "Buddy" Irby  
Clerk of the Circuit Court

By: Carrie Williams  
As Deputy Clerk

**COPY**

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

JAY SCOTT KILLGORE, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF CINDY KILLGORE, ON BEHALF OF  
THE ESTATE OF CINDY KILLGORE, ALICE  
KILLGORE, AND JAY SCOTT KILLGORE,

CASE NO.:  
DIVISION :

01-09-CA-3076  
J

Plaintiff,

vs.

THE CITY OF GAINESVILLE AND THE  
GAINESVILLE-ALACHUA COUNTY  
REGIONAL AIRPORT AUTHORITY

Defendants.

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**COMPLAINT**

The Plaintiff, JAY SCOTT KILLGORE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, ON BEHALF OF THE ESTATE OF CINDY KILLGORE, ALICE KILLGORE AND JAY SCOTT KILLGORE, through undersigned counsel, sues the Defendants, THE CITY OF GAINESVILLE and the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, and alleges:

- A. This is an action for damages which exceed fifteen thousand (\$15,000) dollars.
- B. The Defendants, THE CITY OF GAINESVILLE and the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY are government entities, which maintain offices and conduct business in Alachua County, Florida. THE CITY OF GAINESVILLE delegated to it's agent, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, the responsibility for operating and maintaining the Gainesville Regional Airport and all airplane hangars and other buildings on the airport property.
- C. On November 24, 2008, CINDY KILLGORE was injured as a result of an aircraft hangar door coming off its tracks and falling on her. As a consequence of that malfunction CINDY KILLGORE died later that day in

Alachua County, Florida. That aircraft hangar is owned by the CITY OF GAINESVILLE and is under the control of both THE CITY OF GAINESVILLE and its agent, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY. At the time of her injury, CINDY KILLGORE was an invitee on the premises where the hangar is located, since she was an employee of Gulf Atlantic Airways, Inc. The Defendants and Gulf Atlantic Airways, Inc., are all in the business of providing air transportation services to the public, and Gulf Atlantic Airways, Inc. was using this hangar with the permission of the Defendants.

- D. Plaintiff notified these Defendants by certified mail, dated December 8, 2008, of these claims. Those notices complied with the requirements of Florida Statute 768.28. All other conditions precedent have been met prior to filing this suit.
- E. At the time of her death, CINDY KILLGORE was unmarried, and above the age of majority. She is survived by her parents, ALICE KILLGORE and JAY SCOTT KILLGORE.
- F. JAY SCOTT KILLGORE was appointed Personal Representative of the ESTATE OF CINDY KILLGORE, by order of this Circuit Court.

#### COUNT ONE

The Plaintiff, JAY SCOTT KILLGORE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of the ESTATE, sues the Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, and alleges:

- 1. The Plaintiff, re-alleges paragraphs A-F, above.
- 2. The Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, was negligent in its management and control of the aircraft hangar, in at least the following ways:
  - a. Failing to properly inspect and maintain this aircraft hangar and hangar doors;
  - b. Failing to repair or re-design the hangar door system to prevent the individual doors from falling out of their tracks, when it was foreseeable that operation of the hangar doors would cause injury to the operator or bystanders; and,

- c. Failing to warn those on the premises of this hangar, that its doors were in disrepair and constituted a hidden, dangerous condition and posed a hazard of foreseeable injury to them.
3. As a result of these negligent acts, CINDY KILLGORE was severely injured and endured suffering and pain, and later died, and the ESTATE OF CINDY KILLGORE has therefore incurred the following damages:
  - a. Loss of net accumulations; and
  - b. Medical and funeral expenses.

WHEREFORE, Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of the ESTATE, sues the Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, for all compensatory damages, interest and costs, allowed by law and demands a trial by jury.

#### COUNT TWO

The Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of ALICE KILLGORE, sues the Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, and alleges:

4. The Plaintiff, re-alleges paragraphs A through F and 2, above.
5. ALICE KILLGORE was the mother of CINDY KILLGORE at the time of her injury and death alleged above. As a result of the negligence of GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, and the resulting death of her daughter, ALICE KILLGORE has incurred medical and funeral expenses and has lost her daughter's support, services, companionship and protection, and she has experienced mental pain and suffering. These losses will also continue into the future.

WHEREFORE, Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of ALICE KILLGORE, sues the Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, for all damages, interest and costs allowed by law and demands a trial by jury.

### COUNT THREE

The Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of JAY SCOTT KILLGORE sues the Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, and alleges:

6. The Plaintiff, re-alleges paragraphs A - F and 2 above.
7. JAY SCOTT KILLGORE was the father of CINDY KILLGORE at the time of her injury and death alleged above. As a result of the negligence of GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, and the resulting death of his daughter, JAY SCOTT KILLGORE has incurred medical and funeral expenses and has lost his daughter's support, services, companionship and protection, and he has experienced mental pain and suffering. These losses will also continue into the future.

WHEREFORE, Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of JAY SCOTT KILLGORE, sues the Defendant, the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY, for all damages, interest and costs allowed by law and demands a trial by jury.

### COUNT FOUR

The Plaintiff, JAY SCOTT KILLGORE, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of the ESTATE, sues the Defendant, THE CITY OF GAINESVILLE, and alleges:

8. The Plaintiff, re-alleges paragraphs A-F, above.
9. The Defendant, THE CITY OF GAINESVILLE, was negligent in its ownership, management and control of the aircraft hangar, in at least the following ways:
  - a. Failing to properly inspect and maintain this aircraft hangar and hangar doors;
  - b. Failing to repair or re-design the hangar door system to prevent the individual doors from falling out of their tracks when it was foreseeable that operation of the hangar doors would cause injury to the operator or bystanders;

- c. Failing to require that the GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY maintain and repair this hangar and its doors; and,
  - d. Failing to warn those on the premises of this hangar, that its doors were in disrepair and constituted a hidden, dangerous condition and posed a hazard of foreseeable injury to them.
10. As a result of these negligent acts, CINDY KILLGORE was severely injured and endured suffering and pain, and later died, and the ESTATE OF CINDY KILLGORE has therefore incurred the following damages:
- a. Loss of net accumulations; and
  - b. Medical and funeral expenses.

WHEREFORE, Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of the ESTATE, sues the Defendant THE CITY OF GAINESVILLE, for all compensatory damages, interest and costs, allowed by law and demands a trial by jury.

#### COUNT FIVE

The Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of ALICE KILLGORE, sues the Defendant THE CITY OF GAINESVILLE, and alleges:

11. The Plaintiff, re-alleges paragraphs A through F and 9, above.
12. ALICE KILLGORE was the mother of CINDY KILLGORE at the time of her injury and death alleged above. As a result of the negligence of THE CITY OF GAINESVILLE, and the resulting death of her daughter, ALICE KILLGORE has incurred medical and funeral expenses and has lost her daughter's support, services, companionship and protection, and she has experienced mental pain and suffering. These losses will also continue into the future.

WHEREFORE, Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of ALICE KILLGORE, sues the Defendant, THE CITY OF GAINESVILLE, for all damages, interest and costs allowed by law and demands a trial by jury.

#### COUNT SIX

The Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of JAY SCOTT KILLGORE, sues the Defendant, THE CITY OF GAINESVILLE, and alleges:

13. The Plaintiff, re-alleges paragraphs A - F and 9 above.
14. JAY SCOTT KILLGORE was the father of CINDY KILLGORE at the time of her injury and death alleged above. As a result of the negligence of THE CITY OF GAINESVILLE, and the resulting death of his daughter, JAY SCOTT KILLGORE has incurred medical and funeral expenses and has lost his daughter's support, services, companionship and protection, and he has experienced mental pain and suffering. These losses will also continue into the future.

WHEREFORE, Plaintiff, JAY SCOTT KILLGORE, as the PERSONAL REPRESENTATIVE OF THE ESTATE OF CINDY KILLGORE, on behalf of JAY SCOTT KILLGORE, sues the Defendant, THE CITY OF GAINESVILLE, for all damages, interest and costs allowed by law and demands a trial by jury.

  
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