

LEGISTAR NO.

160140

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

MELISSA LYNN BIGBIE,

Plaintiff,

CASE NO: 01-2016-CA-1196
DIVISION: K

v.

The CITY OF GAINESVILLE, Florida,
a Municipal corporation;
GAINESVILLE REGIONAL TRANSIT
SYSTEM, a Municipal corporation; and
JEFFREY DOMER, in his individual and
official capacity.

Defendants.

COMPLAINT FOR PERSONAL INJURY DAMAGES

COMES NOW the Plaintiff, MELISSA LYNN BIGBIE, by and through undersigned counsel, and hereby sues the Defendants, the CITY OF GAINESVILLE, Florida, a Municipal corporation, GAINESVILLE REGIONAL TRANSIT SYSTEM, a Municipal corporation, and JEFFREY DOMER, in his individual and official capacity, alleging as follows:

JURISDICTIONAL ALLEGATIONS

1. This is an action for damages exceeding Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and interest.
2. On or about April 8, 2013, and at all times material, the Plaintiff, MELISSA LYNN BIGBIE (hereinafter "BIGBIE"), was a resident of Gainesville, Alachua County, Florida.
3. BIGBIE remains a resident of Gainesville, Alachua County, Florida.

4. On or about April 8, 2013, and at all times material, the Defendant, the CITY OF GAINESVILLE, Florida, a Municipal corporation (hereinafter "CITY"), was and remains a governmental entity located in Alachua County, Florida.

5. On or about April 8, 2013, and at all times relevant to these proceedings, the Defendant, CITY, was and remains a political subdivision of the state of Florida.

6. On or about April 8, 2013, and at all times relevant to these proceedings, the Defendant, CITY, was the employer of Defendant, JEFFREY DOMER.

7. On or about April 8, 2013, and at all times material, the Defendant, GAINESVILLE REGIONAL TRANSIT SYSTEM, a Municipal corporation (hereinafter "RTS"), was and remains a governmental entity located in Alachua County, Florida.

8. On or about April 8, 2013, and at all times material, the Defendant, RTS, was and remains a governmental public transportation entity with transportation service operating in Gainesville, Alachua County, Florida.

9. On or about April 8, 2013, and at all times relevant to these proceedings, the Defendant, RTS, was and remains a political subdivision of the state of Florida.

10. On or about April 8, 2013, and at all times relevant to these proceedings, the Defendant, RTS, was the employer of Defendant, JEFFREY DOMER.

11. On or about April 8, 2013, and at all times material, the Defendant, the JEFFREY DOMER, (hereinafter "DOMER"), was and/or remains a resident of Gainesville, Alachua County, Florida.

12. On or about April 8, 2013, the Defendant, DOMER, was the operator of an RTS bus that was involved in a sudden stop incident in Gainesville, Alachua County, Florida, in

which the Plaintiff, BIGBIE, a passenger of the RTS bus, alleges she sustained personal injury damages resulting directly and proximately therefrom.

13. On or about April 8, 2013, and at all times relevant to these proceedings, the Defendant, CITY, was and continues to be an instrumentality of the state of Florida.

14. On or about April 8, 2013, and at all times relevant to these proceedings, the Defendant, RTS, was and continues to be an instrumentality of the state of Florida.

15. Defendant, CITY, waived its sovereign immunity pursuant to section 768.28, Florida Statutes, for regarding any negligence attributable to CITY resulting from the loss that forms the subject matter of this lawsuit.

16. Defendant, RTS, waived its sovereign immunity pursuant to section 768.28, Florida Statute, for regarding any negligence attributable to CITY resulting from the loss that forms the subject matter of this lawsuit.

17. More than six months have elapsed prior to the filing of this Complaint since Defendants, CITY and/or RTS, were placed on notice in accordance with section 768.28, Florida Statute.

18. Venue is proper in Alachua County, Florida pursuant section 768.28, Florida Statute, because the cause of action occurred in Alachua County, Florida.

19. All conditions precedent to the filing of the instant action have been met or waived.

GENERAL FACTUAL ALLEGATIONS

20. This case arises out of injuries the Plaintiff sustained on an RTS bus while Plaintiff was a passenger on a bus operated by Defendant, JEFFREY DOMER, that stopped

suddenly before or as the bus entered a roundabout on or about April 8, 2013 in Gainesville, Alachua County, Florida.

21. At all times material, Defendant, JEFFREY DOMER, was acting within the normal course and scope of Defendant DOMER's employment as a bus driver for Defendant CITY and/or DEFENDANT RTS.

22. At all times material, Defendant DOMER, had a duty to use reasonable care while operating the RTS bus.

23. On or about April 8, 2013, Defendant DOMER, failed to use reasonable care while approaching and/or entering a roundabout located at or near the intersection of SE 4th Avenue and SE 7th Street in Gainesville, Alachua County, Florida.

24. On or about April 8, 2013, Defendant DOMER, breached one or more duties of reasonable care including, but not limited to, failing to yield to oncoming traffic in the roundabout, failing to keep reasonable lookout for oncoming traffic, and/or driving at an unsafe or unreasonable speed under the circumstances.

25. As a direct and proximate result of the sudden stop incident, BIGBIE was thrown from BIGBIE's seat on the bus to the floor of the bus and sustained injury.

26. As a direct and proximate result, BIGBIE, suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and/or aggravation or activation of a previously existing condition.

27. BIGBIE's losses are permanent or continuing in nature and BIGBIE will suffer these losses into the future.

WHEREFORE, the Plaintiff, BIGBIE, demands a trial by jury as to all issues so triable as a matter of right as well as judgment for damages, costs, expert witness fees, attorneys' fees, filing fees, pre-judgment and post-judgment interest, and such other further relief that the Court deems appropriate, just, and proper, from the Defendants, CITY, RTS, and/or DOMER.

RESPECTFULLY SUBMITTED this 4th day of April, 2016.

FINE, FARKASH & PARLAPIANO, P.A.

/s/ A. Daniel Vazquez

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