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

2009 NOV 24 PM 12:39

CASE NO.: 01-09-CA-5621
DIVISION: K

CLISTA S. BROWN,

Plaintiff,

v.

CITY OF GAINESVILLE,

Defendant.

A True Copy

SADIE DARNELL, SHERIFF
ALACHUA COUNTY FLORIDA

Served at 10:30 AM on 10/27/09 Day

of 1000

BY [Signature]

AS DEPUTY SHERIFF [Signature]

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, C/O HONORABLE PEGEEN HANRAHAN, MAYOR, 200 EAST UNIVERSITY AVENUE, GAINESVILLE, FLORIDA 32601.

Each Defendant is required to serve written defenses to the Amended Complaint or Petition on Plaintiff's attorney whose name and address is: MICHAEL D. MARRESE, ESQ., Morgan & Morgan, 76 South Laura Street, Ste. 1100, Jacksonville, FL 32202 within 30 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 ore immediately thereafter. If a defendant fails to do so, a default will be entered against that Defendant for the relief demanded in the complaint or petition.

WITNESS my hand and seal of said Court on October 27, 2009.



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

By Marcy Kay Causo
Deputy Clerk

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. Person 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.

PLAINTIFF'S ATTORNEY: Michael D. Marrese, Esq., Morgan & Morgan, P.A., 76 S. Laura Street, Suite 1100, Jacksonville, Florida 32202; Fla. Bar #0544299

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COMPLAINT

COMES NOW Plaintiff, CLISTA S. BROWN, and sues Defendant, CITY OF GAINESVILLE, and alleges:

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorneys' fees.
2. Plaintiff is a natural person residing in Alachua County, Florida.
3. At all times material to this action, CITY OF GAINESVILLE is a governmental agency, authorized to do business in the State of Florida.
4. At all times material hereto, Defendant was the owner, operator and maintainer of the public sidewalk, located in front of Alachua General Hospital, in Alachua County, Florida, said sidewalk being open to the general public, including the Plaintiff herein.


d) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the on Defendant's premises, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care.

10. As a result, while Plaintiff was walking on Defendant's property, her foot was caught on uneven part of the side walk causing a fall, sustaining injuries as set forth.

11. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earning, loss of the ability to earn money, and aggravation of previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, **CLISTA S. BROWN**, sues the Defendant, **CITY OF GAINESVILLE**, for damages and demands judgment in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest and costs, and demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 23rd day of October, 2009



MICHAEL D. MARRESE, ESQUIRE
FBN: 0544299
Morgan & Morgan, P.A.
76 South Laura Street, Suite 1100
Jacksonville, FL 32202
Telephone Phone: (904) 398-2722
Facsimile: (407) 425-8171
Attorneys for Plaintiff

Exhibit "A"

April 16, 2009

NOTICE OF CLAIM-FLORIDA STATUTE §768.28(6)

(177477)

CERTIFIED MAIL-RETURN RECEIPT

TO: Department of Financial Services State of Florida - Legal Division 200 E. Gaines Street Tallahassee, FL 32399-0300	City Manager City of Gainesville 200 E. University Ave. Gainesville, FL 32601
EMI c/o Department of Risk Management PO Box 490-60 Gainesville, Florida 32602	Office of General Counsel City of Gainesville P.O. Box 490-60 Gainesville, Florida 32602
Gainesville Sheriff's Office 721 NW Sixth St. Gainesville, Florida 32601	Mayor of Gainesville 200 E. University Ave. Gainesville, Florida 32601

CLAIMANT: Clista Brown
Address: 2626 East University Avenue, #37, Gainesville, FL 32041
Date of Birth: 11/26/1950
Place of Birth: Jasper, Florida
Social Security No: 264-33-5006

PRIOR ADJUDICATED UNPAID CLAIMS: (if none, so state)

Claimant: None
Consortium Claimant: None

DATE AND TIME OF INCIDENT: May 30, 2008

PLACE OF INCIDENT: City sidewalk in front of Alachua General Hospital, Alachua County, Gainesville, FL

DESCRIPTION OF INCIDENT: Ms. Brown was walking on the sidewalk in front of Alachua General Hospital for her appointment at the heart center when she tripped and fell on a raised uneven part of the sidewalk.


DESCRIPTION OF INJURIES: Amputated right leg just above the knee.

KNOWN CITY AGENTS OR EMPLOYEES: Curtis Luster

RELIEF SOUGHT: Compensation for injuries sustained.

IF ADDITIONAL INFORMATION IS NEEDED, PLEASE CONTACT THE UNDERSIGNED.
PLEASE ACKNOWLEDGE RECEIPT HEREOF.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to the above agencies, this 16 day of April, 2009.


Michael D. Marrese, Esquire
FBN: 0544299
Morgan and Morgan, P.A.
76 South Laura Street, Suite 1100
Jacksonville, FL 32202
(904) 398-2722
Attorneys for Plaintiff