

LEGISTAR #

120900

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

KATHRYN KRAMER, Individually,

Plaintiff,

vs.

THE CITY OF GAINESVILLE,

Defendant.

Case No.: 2013-CA-090

Division: K

3/5/13 at 11:50 only
Steve Lebr
SS#-095

SUMMONS

THE STATE OF FLORIDA:
To Each Sheriff of the State:

YOU ARE COMMANDED to serve this Summons and a copy of the Complaint in this action on Defendant:

The City of Gainesville
c/o Mayor Craig Lowe
200 East University Avenue
Gainesville, Florida

Each Defendant is required to serve written defenses to the Complaint on D. Marc Warner, Esq., Fisher, Butts, Sechrest & Warner, P.A., 5200 S.W. 91st Terrace, Suite 101, Gainesville, FL 32608, Plaintiff's attorney, 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 or Petition.

*See
per 11/14*

DATED on this 4 day of March, 2013.



Clerk of the Circuit Court

By: *[Signature]*
Deputy Clerk

COPY

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COMPLAINT

COMES NOW the Plaintiff, KATHRYN KRAMER, by and through her undersigned attorneys, and files their Complaint against Defendant, THE CITY OF GAINESVILLE ("GAINESVILLE") and respectfully states unto the Court the following:

1. This is a cause of action for damages in excess of \$15,000.00.
2. At all material times, Plaintiff, KATHRYN KRAMER, was a resident of Alachua County, Florida.
3. At all material times, Defendant, GAINESVILLE, was a government entity authorized to and doing business in Alachua County, Florida.
4. On or December 13, 2011, Defendant, GAINESVILLE was the owner, operator and in possession of Bo Diddley Community Plaza, located in Alachua County, Gainesville, Florida.
5. At that time and place, Plaintiff, KATHRYN KRAMER, was a walking in or about the Bo Diddley Community Plaza when she was caused to trip and fall on an unmarked and non-obvious portion of dangerously uneven sidewalk pavers.
6. Defendant, GAINESVILLE, had a duty to maintain its plaza and sidewalks in a reasonably safe condition and to warn of any defects in the condition of its plaza and sidewalks.

8. Defendant, GAINESVILLE, created and/or maintained and/or allowed the unreasonably dangerous condition to exist that caused Plaintiff, KATHRYN KRAMER, to trip and fall.

9. Defendant, GAINESVILLE, knew or should have known the unreasonably dangerous condition existed.

10. Defendant, GAINESVILLE, failed to warn Plaintiff, KATHRYN KRAMER, of the unreasonably dangerous condition.

11. As a direct and proximate result, Plaintiff, KATHRYN KRAMER, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expensive hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and/or aggravation of a previously existing condition.

WHEREFORE, Plaintiff, KATHRYN KRAMER, demands judgment against Defendant, CITY OF GAINESVILLE, for damages in an amount in excess of \$15,000.00, together with costs incurred and attorneys fees if applicable herein, and further demands a trial by jury on all issues so triable.

Dated this 7th day of Feb., 2013.

Fisher, Butts, Sechrest & Warner P.A.



D. Marc Warner
Florida Bar No. 0151238
5200 S.W. 91st Terrace, Suite 101
Gainesville, Florida 32608
Telephone: 352-373-5922
Attorneys for Plaintiff