

LEGISTAR NO.

121005

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

CORENE MATYAS

Plaintiff

V.

CASE NO: 2013. CA. 1375

DIVISION: 16

CITY OF GAINESVILLE, A Municipal Corporation, and REGIONAL TRANSIT AUTHORITY
~~AK/A RTS~~; et. al.

Defendants

A True Copy
SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA

Served at 11:00 AM on the 4 Day

of April 20 13

BY [Signature]
AS DEPUTY SHERIFF

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 ^{the} CITY OF GAINESVILLE, ~~FLORIDA~~, by serving, pursuant to Florida Statute 48.111(1);

Mayor Craig Lowe
Gainesville City Commission, Gainesville, Florida
200 E. University Ave.
Gainesville, FL 32601

Each Defendant is required to serve written defenses to the Complaint or Petition on Plaintiff's attorney whose name and address is:

ROBERT L. WILLIAMS
Florida Bar No. 262447
Gainesville, Florida 32607
Phone: 352-374-8494
Email: roblwlaw@gmail.com

Within thirty(30) days after service of this summons on that Defendant, exclusive of the day of service, and to file the original of the defense 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 the Defendant for the relief demanded in the Complaint or Petition

WITNESS my hand and seal of said Court on this _____ day
of March 19, 2013

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

By: [Signature]
As Deputy Clerk **COPY**



(Court Seal)

J K IRBY
CLERK OF CIRCUIT COURT
CIVIL DEPARTMENT
201 E UNIVERSITY AVE
GAINESVILLE FL 32601

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

CORENE MATYAS

CASE NUMBER:

PLAINTIFF

DIVISION :

v.

CITY OF GAINESVILLE a Municipal Corporation, REGIONAL TRANSIT
AUTHORITY and BRUCE WARREN WAGNER,

Defendants

NEGLIGENCE COMPLAINT

Plaintiff, CORENE MATYAS ,by and through the undersigned attorney, hereby sues
THE CITY OF GAINESVILLE , a municipal corporation, REGIONAL TRANSIT
AUTHORITY, and BRUCE WARREN WAGNER and alleges:

GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS:

1. This is an action for damages that is in excess of \$15,000.00.
2. At all material times, Plaintiff , CORENE MATYAS (hereafter, PLAINTIFF)was a resident of Alachua County, Florida.
3. At all material times, Defendant, CITY OF GAINESVILLE (hereafter, the CITY) was a municipal corporation organized under the laws of the State of Florida and located in Alachua County, Florida.
4. At all material times, Defendant, REGIONAL TRANSIT AUTHORITY (hereafter, RTS) was a Division of Defendant the 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]. All conditions precedent to the filing of this complaint have been met.
6. At all material times Defendant BRUCE WARREN WAGNER (hereafter WAGNER} was a resident of Alachua County, Florida.
- 7, On or about Monday, December 6, 2010, Plaintiff was struck in the bicycle lane while

exiting an RTS bus in Gainesville, Alachua County, Florida, at or near 2900 NW 39th Avenue. She was struck by an oncoming bicycle operated by Defendant, WAGNER. The resulting collision caused her to fall to the ground and caused her to suffer serious and permanent injuries.

COUNT I.

NEGLIGENCE OF THE CITY OF GAINESVILLE AND REGIONAL TRANSIT AUTHORITY AS TO CORENE MATYAS

8. Plaintiff re-alleges and incorporates by reference herein paragraphs 1-7.

9.. On or about December 6, 2010, Defendants the CITY and RTS, had control of and were responsible for the safe operation of their bus .

10. At all times material hereto, Defendants the CITY and RTS owed a duty to Plaintiff an invitee/passenger and others similarly situated, to maintain the highest degree of care to passengers/ invitees on their ,bus , a common carrier.

11. Defendants, the CITY and RTS, were negligent in the following particulars which were the direct and proximate cause of Plaintiff's injuries and damages alleged:

A) Defendants driver ignored the on coming bicycle operated by Defendant WAGNER as it approached the designated bus stop.

B) Defendants driver failed to warn PLAINTIFF of the approaching bicycle.

C) Defendants driver opened the door for Plaintiff to exit knowing of the approach of Defendant Wagner's bicycle.

D) Defendants failed to properly hire and/or investigate their employee/driver so that it caused PLAINTIFF injury.

12. As a direct and proximate result of the Defendants the CITY and RTS negligence PLAINTIFF has sustained serious physical and psychological injuries, pain and suffering, disability, handicap, disfigurement, inconvenience, loss of capacity for enjoyment of life, expense of hospitalization, medical and other care and treatment, loss of ability to earn money, wage loss and /or aggravation of a previously existing condition. The losses are either permanent or continuing and the PLAINTIFF will suffer losses in the future.

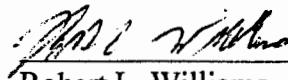
WHEREFORE,, Plaintiffs demands judgment for Damages against Defendants the CITY and RTS together with interest and costs and trial by jury.

COUNT II

NEGLIGENCE OF DEFENDANT BRUCE WARREN WAGNER AS TO PLAINTIFF CORENE MATYAS

13. PLAINTIFF realleges and in corporates by reference herein paragraphs 1-12.
14. On or about December 6, 2010, Defendant WAGNER owned and had control of a bicycle in Gainesville, Alachua County, Florida. at or about, 2900 NW 39th Avenue.
15. At all times material hereto, Defendant WAGNER owed a duty under THE STATE UNIFORM TRAFFIC CONTROL F.S 316.2065 and under tort common law to PLAINTIFF who at the time and place alleged, was a pedestrian legally at a bus stop the purpose of which was to provide an exit area for passengers on Defendants the CITY and RTS'S public transport.
- 16..Defendant WAGNER had a duty to avoid stricking PLAINTIFF and failed to stop, slow or warn PLANTIFF of his approach, in violation of F.S.316.2065 and the common law, which resulted in Defendant WAGNERS bicycle to strike PLAINTIFF ,knocking her to the ground and causing severe permanent injury.
17. As a direct and proximate result of Defendant WAGNERS negligence , PLAINTIFF has sustained serious permanent physical and psychological injuries, pain and suffering, disability, handicap, disfigurement, loss of income., loss of earning capacity, inconvenience and loss of enjoyment of life and/or aggravation of a previous existing condition.. The injuries are either permanent or continuing in nature, and PLAINTIFF will continue to suffer losses and impairment in the future.

WHEREFORE, PLAINTIFF demands judgment for damages against Defendant WAGNER, together with interest and costs and trial by jury.



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