

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

LAURA ROBERTS f/k/a LAURA DEMETREE
and NATHAN ROBERTS, her husband,

CASE NO.: 01-09-CA-2046
DIVISION: J.

Plaintiffs,

vs.

CITY OF GAINESVILLE FLORIDA and
UNITED SERVICES AUTOMOBILE
ASSOCIATION,

Defendants.

RECEIVED BY ALACHUA
COUNTY CLERK OF COURT
DATE: 2009 April 10 Pm 1:44

COMPLAINT

COUNT I – CITY OF GAINESVILLE FLORIDA

Plaintiffs LAURA ROBERTS f/k/a LAURA DEMETREE (hereinafter referred to as "LAURA ROBERTS") and NATHANIEL ROBERTS, her husband, sue Defendant CITY OF GAINESVILLE FLORIDA and allege:

1. This is an action for damages in excess of \$15,000 exclusive of costs, interest and attorneys fees.
2. At all times material to this cause and specifically on April 18, 2006, Defendant CITY OF GAINESVILLE FLORIDA was and is a state of Florida agency or department operating passenger buses in Gainesville, Alachua County, Florida.
3. Plaintiffs completed, in good faith, all conditions precedent prior to filing this action including serving notice to the CITY OF GAINESVILLE FLORIDA pursuant to Florida Statute § 768.28.

4. On or about April 18, 2006, Defendant's employee operated Defendant CITY OF GAINESVILLE FLORIDA'S passenger bus at or near the intersection of Gale Lemerand Drive and Mowry Road in Gainesville, Alachua County, Florida.

5. At that time and place, Defendant negligently operated or maintained the passenger bus so that it struck Plaintiff LAURA ROBERTS, a pedestrian.

6. As a result, Plaintiff LAURA ROBERTS suffered bodily injury and resulting pain and suffering, inconvenience, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and plaintiff will suffer the losses in the future. Plaintiff NATHAN ROBERTS sustained the loss of his wife's services, comfort, society and attentions in the past and in the future by reason of his wife's injury.

WHEREFORE, Plaintiffs LAURA ROBERTS and NATHAN ROBERTS, her husband, demand judgment for damages against Defendant and trial by jury.

COUNT II – UNITED SERVICES AUTOMOBILE ASSOCIATION

Plaintiffs LAURA ROBERTS f/k/a LAURA DEMETREE (hereinafter referred to as "LAURA ROBERTS") and NATHANIEL ROBERTS, her husband, sue Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION and allege:

1. This is an action for damages in excess of \$15,000 exclusive of costs and interest.
2. At all times material hereto and specifically on April 18, 2006, Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION was and is a corporation authorized to do business in the state of Florida and maintaining an office for the transaction of its insurance business in Alachua County, Florida.

3. On April 18, 2006, Plaintiff LAURA ROBERTS sustained injuries in a collision at or near the intersection of Gale Lemerand Drive and Mowry Road in Gainesville, Alachua County, Florida as a result of the negligence of Defendant CITY OF GAINESVILLE FLORIDA, an uninsured motorist.

4. At the time of the accident, Plaintiffs were insureds and entitled to uninsured motorist benefits under policies of insurance issued by Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION. A true and correct copy of the policies are attached as "Composite Exhibit A" and "Composite Exhibit B" and incorporated herein.

5. As a result of the negligence of the uninsured Defendant, Plaintiffs were and are legally entitled to recover damages from the uninsured Defendant and, under the terms of the Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION'S policies, from the Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION.

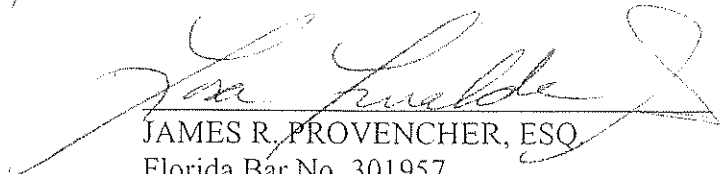
6. Plaintiffs have performed all conditions precedent to the payment of uninsured motorist benefits; however, Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION has wrongfully denied the uninsured motorist claim and refused to pay the benefits due under the policies.

7. As a direct result of the negligence of the uninsured motorist, Defendant CITY OF GAINESVILLE FLORIDA, plaintiff LAURA ROBERTS sustained compensatory damages including bodily injury and resulting pain and suffering, inconvenience, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses and injury are permanent or continuing and Plaintiff LAURA ROBERTS will suffer the losses in the future.

8. By reason of his wife's injuries, Plaintiff NATHAN ROBERTS has in the past and will in the future suffer loss of the services, comfort, society and attentions of his wife, LAURA ROBERTS.

WHEREFORE, Plaintiffs LAURA ROBERTS and NATHAN ROBERTS, her husband, demand judgment for damages against Defendant UNITED SERVICES AUTOMOBILE ASSOCIATION and trial by jury.

DATED this 4/7/09.



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