

**LEGISTAR NO.**

**110348**

CITY OF GAINESVILLE IN THE CIRCUIT COURT OF FLORIDA,  
CITY COMMISSION EIGHTH JUDICIAL CIRCUIT, IN AND  
FOR ALACHUA COUNTY.

EZRA STRICKLAND,

11 SEP 12 AM 11:48

Plaintiff,

vs.

CASE NO. 11 CA 4360

THE CITY OF GAINESVILLE,  
ALACHUA COUNTY, and SADIE  
DARNELL as Sheriff of Alachua  
County, Florida,

Defendants.

RECEIVED  
SEP 12 2011  
BY:

SUMMONS

STATE OF FLORIDA:  
TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE

GREETINGS:

A True Copy  
SADIE DARNELL, SHERIFF  
ALACHUA COUNTY, FLORIDA  
Served at 1150 NW on the 12 Day  
of Sept 2011  
BY: [Signature] AS DEPUTY SHERIFF

YOU ARE HEREBY COMMANDED to serve this Summons and a copy of the Complaint in the above-styled cause upon the Defendant:

CITY OF GAINESVILLE  
c/o Mayor Craig Lowe  
City Hall  
200 E. University Avenue  
Gainesville, FL 32601

The Defendant is hereby required to serve written defenses to said Complaint on Plaintiff's attorney, whose name and address:

D. Andrew Vloedman  
PERRY, VLOEDMAN & BRADY  
2790 NW 43<sup>rd</sup> St., Ste. 200  
Gainesville, FL 32606  
(352) 373-4141

within <sup>30</sup>twenty (20) days after service of this Summons upon that Defendant, exclusive of the day of service, and to file the original of said written 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 petition.

WITNESS my hand and the seal of this Court this 31 day of August, 2011.

J.K. "BUDDY" IRBY

Clerk of the Courts

(COURT SEAL)



[Signature: Charlotte R. Hammack]  
Deputy Clerk

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

EZRA STRICKLAND,

Plaintiff,

vs.

CASE NO. 11CA4360

THE CITY OF GAINESVILLE,  
ALACHUA COUNTY, and  
SADIE DARNELL in her official  
capacity as SHERIFF OF  
ALACHUA COUNTY, FLORIDA,

Defendants.

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**COMPLAINT**

Comes now the Plaintiff, EZRA STRICKLAND, by and through undersigned counsel, and sues the Defendants, THE CITY OF GAINESVILLE, a Florida municipal corporation (*hereinafter "Gainesville"*), ALACHUA COUNTY, a charter county and political subdivision of the State of Florida (*hereinafter "Alachua County"*), and SADIE DARNELL in her official capacity as SHERIFF OF ALACHUA COUNTY, FLORIDA (*hereinafter "Sheriff"*), and alleges as follows:

1. This is an action for damages in excess of \$15,000.00 exclusive of interest and costs.
2. At all times material hereto, the Plaintiff, EZRA STRICKLAND, was a resident of Gainesville, Alachua County, Florida.
3. The Defendant GAINESVILLE is a Florida municipal corporation.

4. The Defendant Sadie Darnell is the Alachua County Sheriff, a constitutional officer of Alachua County, and is sued in her official capacity.
5. The Defendant ALACHUA COUNTY, is a charter county and political subdivision of the State of Florida.
6. The Plaintiff, EZRA STRICKLAND, presented his claim, in writing, to the Defendants, GAINESVILLE, ALACHUA COUNTY, and SHERIFF in compliance with Section 768.28, Florida Statutes, on September 23, 2010, by certified letter. The Plaintiff has received no response to his certified letters notifying the defendants of his claim. Based on the passage of time, the failure of the Defendants to respond constitutes a denial of the Plaintiff's claim in accordance with Section 768.28.
7. At all times material hereto, an Interlocal Agreement Between the City of Gainesville, the Alachua County Sheriff, and Alachua County for a Combined Communication Center was in full force and effect.
8. Gainesville, Alachua County, and the Sheriff entered into the interlocal agreement for the purpose of promoting "the health, safety, and general welfare of the citizens throughout Alachua County" by improving the "efficiency and technical capabilities of emergency call taking and law enforcement, fire and emergency

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medical services, radio dispatch and communications within Alachua County".

9. Pursuant to the Interlocal Agreement, the parties agreed to "establish and maintain a Combined Communications Center" for the purpose of effectively receiving calls for emergency assistance, to efficiently coordinate response resources to emergencies, and to efficiently and effectively coordinate public safety/emergency services radio communications.
10. At all times material hereto and pursuant to the purposes of the interlocal agreement, the Defendants GAINESVILLE, ALACHUA COUNTY, and the SHERIFF established and maintained a Combined Communications Center.
11. At all times material hereto, the Combined Communications Center received all 911 calls for emergency services in Alachua County.
12. At all times material hereto, the Defendants, GAINESVILLE, ALACHUA COUNTY, and the SHERIFF had joint responsibility for the day to day operation of the Communication Center including matters pertaining to the delivery of services and standards of performance.
13. At all times material hereto the Defendants, GAINESVILLE, ALACHUA COUNTY, and SHERIFF, had joint responsibility for the annual operating costs of the Center including wages for employees of the Center.

14. On July 2, 2009, Mercedes Strickland, mother of the Plaintiff Ezra Strickland, placed a 911 call to the Combined Communications Center.
15. On July 2, 2009, Mercedes Strickland advised the call-taker at the Combined Communications Center that her son was acting bizarrely and needed to be Baker Acted.
16. The call-taker forwarded the call to a dispatcher without the call-taker obtaining information regarding the son's mental history, threats to law enforcement, use of drugs, possession of weapons, or history of violence.
17. The call was incorrectly coded as an "assist citizen" call rather than a "Baker Act".
18. A second call was made by Mercedes Strickland to the Combined Communications Center within ten minutes of the first call.
19. During the second call, Mrs. Strickland advised that given her son's mental status she was afraid to go back inside her home.
20. The call-taker of the second call failed to obtain relevant information not obtained during the first call, including the son's mental health history, any threats to law enforcement, and history of violence.
21. The call-taker of the second call also failed to review the code assigned to the call. A review would have determined that the call

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- had been improperly coded as "assist citizen" as opposed to a "Baker Act".
22. Based on the limited information obtained by the call-takers and the failure to properly code the call, a single officer was silently dispatched to Mercedes Strickland's residence.
  23. Based on the policies of the Combined Communications Center, Baker Act calls for service are required to be dispatched over the air with a minimum of two units being dispatched simultaneously.
  24. Prior to dispatching the officer, the dispatcher failed to evaluate the call received from the call-taker to determine that the appropriate code had been used and to insure that the appropriate level of response was dispatched.
  25. As a result of being dispatched by himself to Ezra Strickland's residence with limited information regarding his mental status and mental health history, the responding officer did not have the appropriate resources to assess Ezra Strickland's need for a Baker Act and to safely take him into custody.
  26. As a result of the responding officer being on the scene with limited information regarding Ezra Strickland's mental status and no back up, the officer was unprepared to respond when Ezra Strickland physically resisted being taken into custody, and based on the limited resources available to him the officer was required to shoot Ezra Strickland multiple times.

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27. All actions taken by the call-taker and dispatcher were taken within the course and scope of their employment at the Combined Communications Center.

**COUNT I**

**CLAIM AGAINST GAINESVILLE**

As and for a first count to be filed herein, the Plaintiff realleges paragraphs 1 through 27 and would further allege:

28. Dispatching an officer to assess and take Ezra Strickland into custody after being advised that he was suffering from a mental disorder which qualified him to be Baker Acted, created a foreseeable zone of risk for Ezra Strickland and created a corresponding duty on the part of the employees of the Combined Communications Center to exercise reasonable care in the dispatching of officers to Ezra Strickland's residence.
29. The employees of the Combined Communications Center breached the duty owed to Ezra Strickland in the following manner:
- (a) By failing to obtain additional information from Mercedes Strickland regarding Ezra Strickland, including his mental state, his mental health history, and his history for violence and communicating that information to the responding officer.
  - (b) By improperly coding the call as an "assist citizen" as opposed to a "Baker Act".
  - (c) By dispatching only one officer to the call.



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- (d) By failing to maintain contact with the responding officer to obtain an accurate assessment of the situation.
30. As a direct and proximate result of the aforesaid breaches of the standard of care, an officer was dispatched to Ezra Strickland's home without adequate resources to safely respond to Ezra Strickland's psychotic condition resulting in the officer having to shoot Ezra Strickland multiple times.
31. As a direct and proximate result of being shot multiple times, Ezra Strickland was injured in and about his body and extremities, suffered pain, mental anguish therefrom, suffered disability, has incurred various bills due to hospital care, doctors' care, x-rays, medicines, and related bills in and about the treatment of his personal injuries, suffered a loss of the capacity for the enjoyment of life, and the Plaintiff shall suffer such losses and impairments in the future, to-wit: permanently.

WHEREFORE, the Plaintiff, EZRA STRICKLAND, demands judgment against the Defendant GAINESVILLE for compensatory damages, costs of this action, and a trial by jury.

## **COUNT II**

### **CLAIM AGAINST ALACHUA COUNTY**

As and for a second count to be filed herein, the Plaintiff realleges paragraphs 1 through 27 and would further allege:

32. Dispatching an officer to assess and take Ezra Strickland into custody after being advised that he was suffering from a mental disorder which qualified him to be Baker Acted, created a foreseeable zone of risk for Ezra Strickland and created a corresponding duty on the part of the employees of the Combined Communications Center to exercise reasonable care in the dispatching of officers to Ezra Strickland's residence.
33. The employees of the Combined Communications Center breached the duty owed to Ezra Strickland in the following manner:
  - (e) By failing to obtain additional information from Mercedes Strickland regarding Ezra Strickland, including his mental state, his mental health history, and his history for violence.
  - (f) By improperly coding the call as an "assist citizen" as opposed to a "Baker Act".
  - (g) By dispatching only one officer to the call.
  - (h) By failing to maintain contact with the responding officer to obtain an accurate assessment of the situation.
34. As a direct and proximate result of the aforesaid breaches of the standard of care, an officer was dispatched to Ezra Strickland's home without adequate resources to safely respond to Ezra Strickland's psychotic condition resulting in the officer having to shoot Ezra Strickland multiple times.

35. As a direct and proximate result of being shot multiple times, Ezra Strickland was injured in and about his body and extremities, suffered pain, mental anguish therefrom, suffered disability, has incurred various bills due to hospital care, doctors' care, x-rays, medicines, and related bills in and about the treatment of his personal injuries, suffered a loss of the capacity for the enjoyment of life, and the Plaintiff shall suffer such losses and impairments in the future, to-wit: permanently.

WHEREFORE, the Plaintiff, EZRA STRICKLAND, demands judgment against the Defendant ALACHUA COUNTY for compensatory damages, costs of this action, and a trial by jury.

**COUNTY III**

**CLAIM AGAINST SHERIFF**

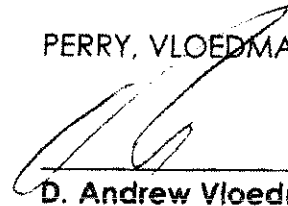
As and for a third count to be filed herein, the Plaintiff realleges paragraphs 1 through 27 and would further allege:

36. Dispatching an officer to assess and take Ezra Strickland into custody after being advised that he was suffering from a mental disorder which qualified him to be Baker Acted, created a foreseeable zone of risk for Ezra Strickland and created a corresponding duty on the part of the employees of the Combined Communications Center to exercise reasonable care in the dispatching of officers to Ezra Strickland's residence.

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37. The employees of the Combined Communications Center breached the duty owed to Ezra Strickland in the following manner:
- (i) By failing to obtain additional information from Mercedes Strickland regarding Ezra Strickland, including his mental state, his mental health history, and his history for violence.
  - (j) By improperly coding the call as an "assist citizen" as opposed to a "Baker Act".
  - (k) By dispatching only one officer to the call.
  - (l) By failing to maintain contact with the responding officer to obtain an accurate assessment of the situation.
38. As a direct and proximate result of the aforesaid breaches of the standard of care, an officer was dispatched to Ezra Strickland's home without adequate resources to safely respond to Ezra Strickland's psychotic condition resulting in the officer having to shoot Ezra Strickland multiple times.
39. As a direct and proximate result of being shot multiple times, Ezra Strickland was injured in and about his body and extremities, suffered pain, mental anguish therefrom, suffered disability, has incurred various bills due to hospital care, doctors' care, x-rays, medicines, and related bills in and about the treatment of his personal injuries, suffered a loss of the capacity for the enjoyment of life, and the Plaintiff shall suffer such losses and impairments in the future, to-wit: permanently.

WHEREFORE, the Plaintiff, EZRA STRICKLAND, demands judgment against the Defendant the SHERIFF for compensatory damages, costs of this action, and a trial by jury.

PERRY, VLOEDMAN & BRADY



**D. Andrew Vloedman**

FBN: 327468

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Gainesville, FL 32606

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Attorney for Plaintiff