

LEGISTAR NO.

150428

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

CASE NO.: 01-2015-CA-3161

OCTAVIA ROBINSON,

Plaintiff,

vs.

CITY OF GAINESVILLE, FLORIDA,

Defendant.

COMPLAINT

COMES NOW the Plaintiff, OCTAVIA ROBINSON, by and through her undersigned counsel and sues the Defendant, CITY OF GAINESVILLE, FLORIDA, and alleges:

1. This is an action for damages, which exceed the sum of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorneys' fees.

2. At all times material to this action, Plaintiff was and is a resident of Archer, Alachua County, Florida.

3. At all times material to this action, Defendant was a municipality in Alachua County, Florida.

4. All other conditions precedent to the brining of this action have been performed, have occurred or have been waived.

5. Venue is proper in Alachua County because the alleged incident occurred in Alachua County.

6. Plaintiff, **OCTAVIA ROBINSON**, has complied with the statutory requirements as set forth in § 768.28, Florida Statutes.

7. On or about December 21, 2013, Plaintiff, **OCTAVIA ROBINSON**, was a passenger in her motor vehicle traveling east on SR 26 at or near the intersection of NW 6th Street in Gainesville, Alachua County, Florida.

6. On or about December 21, 2013, Daniel P. Abbott, was operating a motor vehicle NW 6th Street on North Street at or near the intersection of SR 26 in GAINESVILLE, Alachua County, when he entered into lane of travel of Plaintiff, **OCTAVIA ROBINSON**, causing Plaintiff to strike the his vehicle.

7. At that time and place, Defendant, **CITY OF GAINESVILLE**, owned a police car/motor vehicle, which was being operated/driven by its employee/police officer, Daniel P. Abbott, who was operating and driving the motor vehicle with the permission and consent of its owner, Defendant, **CITY OF GAINESVILLE**.

8. The Defendant's employee/police officer negligently operated and/or maintained the motor vehicle in his pursuit to assist another officer so as to unreasonably endanger the lives of other motorists on the road, including the Plaintiff, **OCTAVIA ROBINSON**.

9. Plaintiff alleges that Defendant, **CITY OF GAINESVILLE**, had a duty to Plaintiff, **OCTAVIA ROBINSON**, and other motorists, to use reasonable care in the operation of its police vehicle, so as not to endanger the lives of the Plaintiff and other unsuspecting motorists.

10. Plaintiff, **OCTAVIA ROBINSON**, alleges that the actions of Defendant's employee/police officer, were in wanton disregard for the safety of other motorists on the road, including the Plaintiff, **OCTAVIA ROBINSON**, herein.

11. Defendant, **CITY OF GAINESVILLE**, is vicariously liable for the negligence of its employee/police officer.

12. As a direct and proximate result of Defendant's negligence, Plaintiff, **OCTAVIA ROBINSON**, suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, aggravation of an existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and loss of ability to lead and enjoy a normal life. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future. Plaintiff's motor vehicle was also damaged.

WHEREFORE, Plaintiff, **OCTAVIA ROBINSON**, demands judgment for damages against Defendant, **CITY OF GAINESVILLE**, and other such relief deemed proper by the Court. Plaintiff also demands a jury trial on all issues so triable.

DEMAND FOR JURY TRIAL

Plaintiff, **OCTAVIA ROBINSON**, demands a jury trial on all issues so triable of each and every one of the Counts set forth above.

RESPECTFULLY submitted this 25th day of August, 2015.

/s/ GEORGE H. ANDERSON, III, ESQUIRE

George H. Anderson, III, Esquire

Florida Bar No.: 346888

DAN NEWLIN & PARTNERS

7335 W. Sand Lake Road, Suite 300

Orlando, FL 32819

Direct/Fax: (407)250-6540

Attorneys for Plaintiff

Dutch.Anderson@newlinlaw.com

In compliance with (FL R. Jud. Admin. 2.516):

Service Email:

Anderson.pleadings@newlinlaw.com