

LEGISTAR NO.

150169

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

JUAN CARLOS TAMAYO,

Plaintiff,

vs.

CASE NO. 01-2015-CA-002273

CITY OF GAINESVILLE,

Defendant.

J

A True Copy
SADIE BARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA

SUMMONS

Served at 105 P on the 16 Day

of July, 20 15

BY [Signature]
AS DEPUTY SHERIFF

STATE OF FLORIDA:

TO ALL AND SINGULAR THE SHERIFFS OF SAID STATE:

GREETINGS:

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 Ed Braddy, Mayor
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 is:

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

J. K. IRBY,
CLERK OF THE CIRCUIT COURT
CIVIL DIVISION
201 E UNIVERSITY AVE
GAINESVILLE, FL 32601

within **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 25th day of June, 2015.

(COURT SEAL)



J.K. IRBY
Clerk of the Courts

By: [Signature]
as Deputy Clerk

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CITY OF GAINESVILLE,

Defendant.

COMPLAINT

Comes now the Plaintiff, JUAN CARLOS TAMAYO, by and through undersigned counsel, and sues the Defendant, CITY OF GAINESVILLE, and alleges:

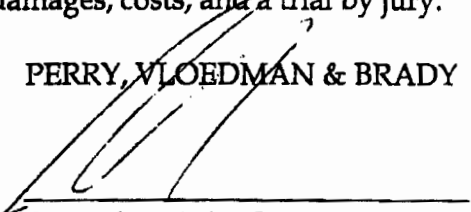
1. This is an action for damages in excess of \$15,000.00, exclusive of interest and costs.
2. The Plaintiff, JUAN CARLOS TAMAYO, is a resident of Alachua County, Florida.
3. The Defendant, CITY OF GAINESVILLE, is a municipality existing within the State of Florida and Alachua County.
4. The Plaintiff, JUAN CARLOS TAMAYO, presented a claim, in writing, to the Defendant, CITY OF GAINESVILLE, in compliance with Section 768.28, Florida Statutes, on October 28, 2013. Pursuant to the provisions of Section 768.28, the claim was considered denied by April 28, 2014.

5. At all times material hereto, the Defendant, CITY OF GAINESVILLE, owned and was responsible for the maintenance of a sidewalk located on Southwest 23rd Terrace approximately a quarter mile south of Archer Road.
6. As the owner of the above described sidewalk, the CITY had the duty to maintain its sidewalk in a reasonably safe condition.
7. The CITY breached its duty in the following manner:
 - (a) The Defendant negligently failed to inspect the sidewalk;
 - (b) The Defendant negligently failed to maintain the sidewalk in a reasonably safe condition;
 - (c) The Defendant negligently failed to warn the public, and in particular the Plaintiff, of the dangerous condition of the sidewalk.
8. As a direct and proximate result of the aforesaid breaches of the standard of care, on July 18, 2013, the Plaintiff, JUAN CARLOS TAMAYO, while jogging on the west side of 23rd Terrace on the above described sidewalk, fell when his foot became stuck in an uncovered utility hole.
9. The uncovered condition of the utility hole had existed for a sufficient length of time prior to July 30, 2013, that it should have been discovered in the course of a reasonable inspection of the sidewalk.
10. As a direct and proximate result of the negligence of the Defendant, the Plaintiff has been injured in and about his body and extremities, suffered pain therefrom, incurred medical expenses in the treatment of his injuries, and suffered physical handicap, loss of the capacity for the enjoyment of

life, and loss of income and earning capacity. These injuries are either permanent or continuing in nature, and Plaintiff will suffer those losses and impairments in the future, to-wit: permanently.

WHEREFORE, the Plaintiff, JUAN CARLOS TAMAYO, demands judgment against the Defendant, CITY OF GAINESVILLE, for damages, costs, and a trial by jury.

PERRY, VLOEDMAN & BRADY



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