

LEGISTAR NO.

150298

A True Copy
SADIE DARNELL, SHERIFF
ALACHUA COUNTY, FLORIDA
Served at _____ on the _____ Day
of _____ 2015
BY _____ DEPUTY SHERIFF
JSD

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

MARY HELMS and her
Husband, GEORGE P. HELMS,

AUG 27 2015

Plaintiffs,

vs.

CASE NO. 2015-CA-2937

THE UNIVERSITY OF FLORIDA BOARD
OF TRUSTEES, CITY OF GAINESVILLE,
FLORIDA, and ALACHUA COUNTY, FLORIDA,

K

Defendants.

SUMMONS

TO DEFENDANT(S): CITY OF GAINESVILLE, FLORIDA
Mayor, City of Gainesville
200 E. University Avenue, 1st Floor
Gainesville, Florida 32627

IMPORTANT

A lawsuit has been filed against you. You have **twenty (20) calendar days** after this summons is served upon you to file a written response to the attached Complaint with the Clerk of this Court. A phone call will not protect you. Your written response, including the case number given above and the names of the parties, **must** be filed if you want the Court to hear your side of the case. If you do not file your response on time, you may lose the case, and your wages, money, and property thereafter be taken without further warning from the Court. There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

If you choose to file a written response yourself, at the same time you file your written response to the Court, you must also mail or take a copy of your written response to the "Plaintiff/Plaintiff's Attorney" named below:

Plaintiff's Attorney: Jay W. Manuel
MANUEL & THOMPSON, P.A.
314 Magnolia Avenue, P. O. Box 1470
Panama City, Florida 32402
850-785-5555 Fx) 850-785-0133

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

THE STATE OF FLORIDA:

TO EACH SHERIFF OF THE STATE: You are commanded to serve this SUMMONS and a copy of the COMPLAINT in this lawsuit on the above-named Defendant.

DATED this 18th day of August, 2015.



J.K. IRBY
CLERK, CIRCUIT COURT
ALACHUA COUNTY, FLORIDA

By:

Mary Kaye Conner
Deputy Clerk

SHERIFF'S RETURN

COME TO HAND this _____ day of _____, 20____, and executed same in _____ County, Florida, on the _____ day of _____, 20____ at _____ o'clock _____ m., by delivering a true copy of this Summons and a copy of the Complaint to the within named Defendant, _____, with the words "Copy of Summons," together with the name of complainant's Solicitor, the hour and date of the service hereof written thereon, and at the same time exhibiting the original of such _____ Summons to _____ such Defendant, _____ The _____ day of _____, 20____.

SHERIFF OF ALACHUA COUNTY

by: _____
Deputy Sheriff

SHERIFF'S COST

To Service \$ _____
To _____ copy \$ _____
To Return \$ _____
To _____ miles traveled \$ _____
_____ \$ _____
Total \$ _____

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

MARY HELMS and her
Husband, GEORGE P. HELMS,

Plaintiffs,

vs.

CASE NO. 2015-CA-2937

THE UNIVERSITY OF FLORIDA BOARD
OF TRUSTEES, CITY OF GAINESVILLE,
FLORIDA, and ALACHUA COUNTY, FLORIDA,

Defendants.

**COMPLAINT WITH INTERROGATORIES, REQUEST FOR
PRODUCTION AND REQUEST FOR ADMISSIONS ATTACHED**

The Plaintiffs, MARY HELMS and GEORGE P. HELMS, by and through their undersigned counsel, sue the Defendants, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, CITY OF GAINESVILLE, FLORIDA, and ALACHUA COUNTY, FLORIDA, as follows:

COUNT ONE

The Plaintiff, MARY HELMS, sues the Defendant, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, by this Count, and alleges:

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00).
2. Venue and jurisdiction are properly vested in the Circuit Court of Alachua County.
3. The Plaintiff is a resident of Panama City, Bay County, Florida.
4. The Defendant, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, was at all times material to this cause, located at 300 S. W. 13th Street, Gainesville, Alachua County, Florida.

5. All acts and omissions set forth in this Complaint occurred in Gainesville, Alachua County, Florida.

6. On or about September 10, 2011, the Plaintiff, MARY HELMS, had attended a University of Florida football game at Ben Hill Griffin Stadium and was walking back to her car. She was walking east toward S.W. 13th Street on the sidewalk in front of Broward Dining Center when she tripped on the uneven sidewalk at a joint between two sections of concrete which caused her to fall and sustain serious and permanent bodily injuries.

7. The Defendant, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, at all times material, was the owner and possessor of the sidewalk where the Plaintiff tripped and fell.

8. The Defendant, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, owed a duty to the Plaintiff to use reasonable care to maintain the sidewalk in a reasonably safe condition or, in the alternative, to give the Plaintiff warning of concealed perils which were or should have been known by the Defendant and were unknown to the Plaintiff.

9. As a result of injuries sustained by the Plaintiff, she has incurred the following elements of damage:

a. Bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience and loss of capacity for the enjoyment of life experienced in the past or to be experienced in the future.

b. The expense of medical care and treatment obtained in the past or to be obtained in the future.

c. Past lost earnings and loss of ability to earn money in the future.

10. The Plaintiff's said injuries and damages are a legal result of negligence on the part of the Defendant from one or more of the following acts of omission or commission by its employees, servants or agents:

- a. Failing to make a reasonable inspection of the sidewalk to discover the defective and unsafe condition of the sidewalk's surface.
- b. Failing to maintain the sidewalk surface in a safe condition;
- c. Failing to make the sidewalk/property safe when it knew or should have known of the hazard; or
- d. Failing to warn Plaintiff about the hazardous condition of the sidewalk surface.

11. The Plaintiff has provided notice of this claim to Defendant, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, in compliance with Section 768.28, Florida Statutes (2009).

WHEREFORE, the Plaintiff, MARY HELMS, sues the Defendant, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, by this Court, seeks damages, and respectfully requests a jury trial.

COUNT TWO

The Plaintiff, MARY HELMS, sues the Defendant, CITY OF GAINESVILLE, FLORIDA, by this Court, and alleges:

12. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00).
13. Venue and jurisdiction are properly vested in the Circuit Court of Alachua County.
14. The Plaintiff is a resident of Panama City, Bay County, Florida.

15. The Defendant, CITY OF GAINESVILLE, was at all times material to this cause, owned and maintained the sidewalk located in front of Broward Dining Center, Building 1011, 596 Broward Drive, Gainesville, Alachua County, Florida.

16. All acts and omissions set forth in this Complaint occurred in Gainesville, Alachua County, Florida.

17. On or about September 10, 2011, the Plaintiff, MARY HELMS, had attended a University of Florida football game at Ben Hill Griffin Stadium and was walking back to her car. She was walking east toward S.W. 13th Street on the sidewalk in front of Broward Dining Center when she tripped on the uneven sidewalk at a joint between two sections of concrete which caused her to fall and sustain serious and permanent bodily injuries.

18. The Defendant, CITY OF GAINESVILLE, at all times material, was the owner and possessor of the sidewalk where the Plaintiff tripped and fell.

19. The Defendant, CITY OF GAINESVILLE, owed a duty to the Plaintiff to use reasonable care to maintain the sidewalk in a reasonable safe condition or, in the alternative, to give the Plaintiff warning of concealed perils which were or should have been known by the Defendant and were unknown to the Plaintiff.

20. As a result of injuries sustained by the Plaintiff, she has incurred the following elements of damage:

a. Bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience and loss of capacity for the enjoyment of life experienced in the past or to be experienced in the future.

b. The expense of medical care and treatment obtained in the past or to be obtained in the future.

c. Past lost earnings and loss of ability to earn money in the future.

21. The Plaintiff's said injuries and damages are a legal result of negligence on the part of the Defendant from one or more of the following acts of omission or commission by its employees, servants or agents:

- a. Failing to make a reasonable inspection of the sidewalk to discover the defective and unsafe condition of the sidewalk's surface.
- b. Failing to maintain the sidewalk surface in a safe condition;
- c. Failing to make the sidewalk/property safe when it knew or should have known of the hazard; or
- d. Failing to warn Plaintiff about the hazardous condition of the sidewalk surface.

22. The Plaintiff has provided notice of this claim to Defendant, CITY OF GAINESVILLE, FLORIDA, in compliance with Section 768.28, Florida Statutes (2009).

WHEREFORE, the Plaintiff, MARY HELMS, sues the Defendant, CITY OF GAINESVILLE, FLORIDA, by this Court, seeks damages, and respectfully requests a jury trial.

COUNT THREE

The Plaintiff, MARY HELMS, sues the Defendant, ALACHUA COUNTY, FLORIDA, by this Court, and alleges:

23. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00).

24. Venue and jurisdiction are properly vested in the Circuit Court of Alachua County.

25. The Plaintiff is a resident of Panama City, Bay County, Florida.

26. The Defendant, ALACHUA COUNTY, FLORIDA, was at all times material to this cause, owned and maintained the sidewalk located in front of Broward Dining Center, Building 1011, 596 Broward Drive, Gainesville, Alachua County, Florida.

27. All acts and omissions set forth in this Complaint occurred in Gainesville, Alachua County, Florida.

28. On or about September 10, 2011, the Plaintiff, MARY HELMS, had attended a University of Florida football game at Ben Hill Griffin Stadium and was walking back to her car. She was walking east toward S.W. 13th Street on the sidewalk in front of Broward Dining Center when she tripped on the uneven sidewalk at a joint between two sections of concrete which caused her to fall and sustain serious and permanent bodily injuries.

29. The Defendant, ALACHUA COUNTY, FLORIDA, at all times material, was the owner and possessor of the sidewalk where the Plaintiff tripped and fell.

30. The Defendant, ALACHUA COUNTY, FLORIDA, owed a duty to the Plaintiff to use reasonable care to maintain the sidewalk in a reasonably safe condition or, in the alternative, to give the Plaintiff warning of concealed perils which were or should have been known by the Defendant and were unknown to the Plaintiff.

31. As a result of injuries sustained by the Plaintiff, she has incurred the following elements of damage:

a. Bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience and loss of capacity for the enjoyment of life experienced in the past or to be experienced in the future.

b. The expense of medical care and treatment obtained in the past or to be obtained in the future.

c. Past lost earnings and loss of ability to earn money in the future.

32. The Plaintiff's said injuries and damages are a legal result of negligence on the part of the Defendant from one or more of the following acts of omission or commission by its employees, servants or agents:

- a. Failing to make a reasonable inspection of the sidewalk to discover the defective and unsafe condition of the sidewalk's surface.
- b. Failing to maintain the sidewalk surface in a safe condition;
- c. Failing to make the sidewalk/property safe when it knew or should have known of the hazard; or
- d. Failing to warn Plaintiff about the hazardous condition of the sidewalk surface.

33. The Plaintiff has provided notice of this claim to Defendant, ALACHUA COUNTY, FLORIDA, in compliance with Section 768.28, Florida Statutes (2009).

WHEREFORE, the Plaintiff, MARY HELMS, sues the Defendant, ALACHUA COUNTY, FLORIDA, by this Court, seeks damages, and respectfully requests a jury trial.

COUNT FOUR

The Plaintiff, GEORGE P. HELMS, sues the Defendants, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, CITY OF GAINESVILLE, FLORIDA, and ALACHUA COUNTY, FLORIDA, by this Court, and realleges, affirms and incorporates herein the allegations of Counts One, Two and Three of this Complaint, and further alleges:

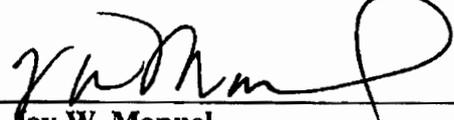
34. He is the Husband of Plaintiff, MARY HELMS.

35. As a result of the injuries sustained by his Wife, as aforesaid, he has sustained the loss of the services of and consortium with his Wife.

WHEREFORE, the Plaintiff, GEORGE P. HELMS, sues the Defendants, THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES, CITY OF GAINESVILLE, FLORIDA

and ALACHUA COUNTY, FLORIDA, by this Court, seeks damages, and respectfully requests a jury trial.

MANUEL & THOMPSON, P.A.

By: 

Jay W. Manuel

Florida Bar Number: 651052

314 Magnolia Avenue

P.O. Box 1470

Panama City, Florida 32402

(850) 785-5555 FX: (850) 785-0133

Attorney for Plaintiffs

DESIGNATION OF E-MAIL ADDRESSES

Jay W. Manuel, of the law firm of Manuel & Thompson, P.A., pursuant to Fla.R.Jud.Admin 2.51(b)(1)(A), hereby designates the following primary and secondary e-mail addresses for e-mail service in the above-referenced case:

Primary e-mail address: Jay@ManuelThompson.Com

Secondary e-mail address: Elouise@ManuelThompson.Com