

LEGISTAR NO.

150439

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

PATRICIA BRADLEY MCNAIR, as Personal Representative
of the Estate of Donte Mandel Bradley-Faulk, and
TERRELL BRADLEY, and
RODRICK THOMPSON,

Plaintiffs,

vs.

CASE NO. 01-2015-CA-001619

JAMIE REED, and
PATRIOT TRANSPORTATION HOLDING, INC. d/b/a
FLORIDA ROCK & TANK LINES, INC., and
CITY OF GAINESVILLE, a municipality,

Defendants

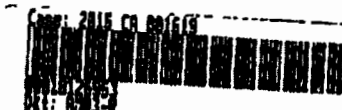
AMENDED COMPLAINT
AND DEMAND FOR JURY TRIAL

FILED
CK 12
2015 SEP 22 AM 11:22
CLERK OF CIRCUIT COURT
& COUNTY COURT
ALACHUA COUNTY FL

COME NOW the Plaintiffs, Patricia Bradley McNair, as Personal Representative of the Estate of Donte Mandel Bradley-Faulk, and Terrell Bradley, and Rodrick Thompson, by and through the undersigned attorneys, and sue the Defendants, Jamie Reed and Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc. and the City of Gainesville, and allege as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action in negligence for damages that exceed the Court's \$15,000.00 minimum jurisdictional limit.
2. This action is brought, in part, by the Plaintiff, Patricia Bradley McNair, as the Personal Representative of the Estate of Donte Mandel Bradley-Faulk. The beneficiaries and survivors of the Estate in this wrongful death action are: Donte Faulk, Jr. (decedent's son) and



Patricia Bradley McNair (decedent's mother). All such beneficiaries and survivors were dependent upon the decedent.

3. At the time of his wrongful death, Donte Mandel Bradley-Faulk was 23 years old, having been born on August 10, 1991. On the date of his wrongful death, Donte Mandel Bradley-Faulk resided in Alachua County, Florida.

4. This action is brought, in part, by the Plaintiff, Terrell Bradley, a resident of Alachua County, Florida.

5. This action is brought, in part, by the Plaintiff, Rodrick Thompson, a resident of Alachua County, Florida.

6. The Defendant, Jamie Reed, is a resident of Alachua County, Florida.

7. The Defendant, Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., is a Florida corporation authorized to do business in the State of Florida and in Alachua County, Florida.

8. At all times pertinent herein, Jamie Reed was driving a vehicle owned by Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., and with the permission of Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., and was acting as an employee for, as a servant for, as an agent for, under the scope and direction of, under the control of, in furtherance of the activities and business of, or otherwise on the business of Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., and as such, Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc. is responsible and liable for the acts and negligence of Jamie Reed, while Jamie Reed was acting in such capacity.

9. The motor vehicle collision and resulting wrongful death and resulting injuries at issue in the Complaint occurred in Alachua County, Florida.

10. The Defendant, the City of Gainesville, is a municipality of the State of Florida. Each Plaintiff presented a claim, in writing, to the City of Gainesville and the Department of Insurance, in compliance with Section 768.28 of the Florida Statutes, on January 28, 2015. The claim of each Plaintiff has been formally denied and/or more than six months (180 days) have elapsed since the presentation of each claim.

COUNT I

CLAIMS OF PATRICIA BRADLEY MCNAIR, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DONTÉ MANDEL BRADLEY-FAULK, AGAINST JAMIE REED

11. The Plaintiff, Patricia Bradley McNair, as Personal Representative of the Estate of Donte Mandel Bradley-Faulk, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

12. On or about January 16, 2015, the Defendant, Jamie Reed, operated a motor vehicle at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Alachua County, Florida. Said motor vehicle was operated and/or maintained in such a negligent manner so as to cause a collision with a vehicle in which Donte Mandel Bradley-Faulk was a passenger. Specifically, the Defendant, Jamie Reed, was negligent because he was driving at an excessive speed, because he was driving too fast for a flashing caution/yellow light, because he was not paying attention, because he was talking/texting/using a mobile device, and/or because he failed to keep a proper look out in the presence of a flashing caution/yellow light. In fact, Jamie Reed had the cruise control set at a speed which was in excess of the legal speed limit. Because of such negligent driving,

Jamie Reed collided with a vehicle in which Donte Mandel Bradley-Faulk was a passenger. As a result of the collision, Donte Mandel Bradley-Faulk sustained fatal injuries.

13. The Defendant, Jamie Reed, had a duty to drive the vehicle safely and responsibly. Because Donte Mandel Bradley-Faulk was a passenger in a vehicle on a public roadway, Jamie Reed owed this duty to Donte Mandel Bradley-Faulk. However, when Jamie Reed negligently operated the vehicle, Jamie Reed breached the duty that was owed to Donte Mandel Bradley-Faulk.

14. As a result of the foregoing negligence, Patricia Bradley McNair, for and on behalf of the Estate of Donte Mandel Bradley-Faulk, and for the survivors under the Florida Wrongful Death Act, has suffered the loss of the decedent's support and services and his companionship and society; and mental pain and suffering; and the decedent's loss of prospective net accumulations of the estate; and medical and funeral expenses due to the decedent's injuries and death.

15. As a result of the foregoing negligence, the Estate of Donte Mandel Bradley-Faulk has lost prospective net accumulations and medical and funeral expenses due to the decedent's injury and death.

16. Jamie Reed is responsible and liable for the damages.

COUNT II

CLAIMS OF PATRICIA BRADLEY MCNAIR, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF DONTÉ MANDEL BRADLEY-FAULK, AGAINST PATRIOT TRANSPORTATION HOLDING, INC. d/b/a FLORIDA ROCK & TANK LINES, INC.

17. The Plaintiff, Patricia Bradley McNair, as Personal Representative of the Estate of Donte Mandel Bradley-Faulk, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

18. On or about January 16, 2015, the Defendant, Jamie Reed, operated a motor vehicle at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Alachua County, Florida. Said motor vehicle was operated and/or maintained in such a negligent manner so as to cause a collision with a vehicle in which Donte Mandel Bradley-Faulk was a passenger. Specifically, the Defendant, Jamie Reed, was negligent because he was driving at an excessive speed, because he was driving too fast for a flashing caution/yellow light, because he was not paying attention, because he was talking/texting/using a mobile device, and/or because he failed to keep a proper look out in the presence of a flashing caution/yellow light. In fact, Jamie Reed had the cruise control set at a speed which was in excess of the legal speed limit. Because of such negligent driving, Jamie Reed collided with a vehicle in which Donte Mandel Bradley-Faulk was a passenger. As a result of the collision, Donte Mandel Bradley-Faulk sustained fatal injuries.

19. The Defendant, Jamie Reed, had a duty to drive the vehicle safely and responsibly. Because Donte Mandel Bradley-Faulk was a passenger in a vehicle on a public roadway, Jamie Reed owed this duty to Donte Mandel Bradley-Faulk. However, when Jamie Reed negligently operated the vehicle, Jamie Reed breached the duty that was owed to Donte Mandel Bradley-Faulk.

20. As a result of the foregoing negligence, Patricia Bradley McNair, for and on behalf of the Estate of Donte Mandel Bradley-Faulk, and for the survivors under the Florida Wrongful Death Act, has suffered the loss of the decedent's support and services and his companionship and society; and mental pain and suffering; and the decedent's loss of prospective net accumulations of the estate; and medical and funeral expenses due to the decedent's injuries and death.

21. As a result of the foregoing negligence, the Estate of Donte Mandel Bradley-Faulk

has lost prospective net accumulations and medical and funeral expenses due to the decedent's injury and death.

22. At the time of the collision referenced herein, Jamie Reed was operating said motor vehicle with the permission of Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., the owner of said motor vehicle.

23. Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc. is responsible and liable for these damages.

COUNT III

CLAIMS OF TERRELL BRADLEY AGAINST JAMIE REED

24. The Plaintiff, Terrell Bradley, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

25. On or about January 16, 2015, the Defendant, Jamie Reed, operated a motor vehicle at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Alachua County, Florida. Said motor vehicle was operated and/or maintained in such a negligent manner so as to cause a collision with a vehicle in which Terrell Bradley was a passenger. Specifically, the Defendant, Jamie Reed, was negligent because he was driving at an excessive speed, because he was driving too fast for a flashing caution/yellow light, because he was not paying attention, because he was talking/texting/using a mobile device, and/or because he failed to keep a proper look out in the presence of a flashing caution/yellow light. In fact, Jamie Reed had the cruise control set at a speed which was in excess of the legal speed limit. Because of such negligent driving, Jamie Reed collided with a vehicle in which Terrell Bradley was a passenger. Terrell Bradley was severely injured as a

result of the collision.

26. The Defendant, Jamie Reed, had a duty to drive the vehicle safely and responsibly. Because Terrell Bradley was a passenger in a vehicle on a public roadway, Jamie Reed owed this duty to Terrell Bradley. However, when Jamie Reed negligently operated the vehicle, Jamie Reed breached the duty that was owed to Terrell Bradley.

27. The direct and proximate cause of Terrell Bradley's injuries was the negligence of Jamie Reed. And as a result of Jamie Reed's negligence, Terrell Bradley suffered bodily injuries and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical care and treatment, loss of the ability to earn money, and an aggravation of a pre-existing condition. The losses are permanent and continuing in nature and Terrell Bradley will suffer the losses in the future. Jamie Reed is responsible and liable for these damages.

COUNT IV

CLAIMS OF TERRELL BRADLEY AGAINST PATRIOT TRANSPORTATION HOLDING, INC. d/b/a FLORIDA ROCK & TANK LINES, INC.

28. The Plaintiff, Terrell Bradley, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

29. On or about January 16, 2015, the Defendant, Jamie Reed, operated a motor vehicle at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Alachua County, Florida. Said motor vehicle was operated and/or maintained in such a negligent manner so as to cause a collision with a vehicle in which Terrell Bradley was a passenger. Specifically, the Defendant, Jamie Reed, was negligent because he was driving at an excessive speed, because he was driving too fast for a flashing caution/yellow light, because he was not paying attention, because he

was talking/texting/using a mobile device, and/or because he failed to keep a proper look out in the presence of a flashing caution/yellow light. In fact, Jamie Reed had the cruise control set at a speed which was in excess of the legal speed limit. Because of such negligent driving, Jamie Reed collided with a vehicle in which Terrell Bradley was a passenger. Terrell Bradley was severely injured as a result of the collision.

30. The Defendant, Jamie Reed, had a duty to drive the vehicle safely and responsibly. Because Terrell Bradley was a passenger in a vehicle on a public roadway, Jamie Reed owed this duty to Terrell Bradley. However, when Jamie Reed negligently operated the vehicle, Jamie Reed breached the duty that was owed to Terrell Bradley.

31. At the time of the collision referenced herein, Jamie Reed was operating said motor vehicle with the permission of Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., the owner of said motor vehicle.

32. The direct and proximate cause of Terrell Bradley's injuries was the negligence of Jamie Reed. And as a result of Jamie Reed's negligence, Terrell Bradley suffered bodily injuries and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical care and treatment, loss of the ability to earn money, and an aggravation of a pre-existing condition. The losses are permanent and continuing in nature and Terrell Bradley will suffer the losses in the future. Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc. is responsible and liable for these damages.

COUNT V
CLAIMS OF RODRICK THOMPSON AGAINST JAMIE REED

33. The Plaintiff, Rodrick Thompson, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

34. On or about January 16, 2015, the Defendant, Jamie Reed, operated a motor vehicle at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Alachua County, Florida. Said motor vehicle was operated and/or maintained in such a negligent manner so as to cause a collision with a vehicle in which Rodrick Thompson was a passenger. Specifically, the Defendant, Jamie Reed, was negligent because he was driving at an excessive speed, because he was driving too fast for a flashing caution/yellow light, because he was not paying attention, because he was talking/texting/using a mobile device, and/or because he failed to keep a proper look out in the presence of a flashing caution/yellow light. In fact, Jamie Reed had the cruise control set at a speed which was in excess of the legal speed limit. Because of such negligent driving, Jamie Reed collided with a vehicle in which Rodrick Thompson was a passenger. Rodrick Thompson was severely injured as a result of the collision.

35. The Defendant, Jamie Reed, had a duty to drive the vehicle safely and responsibly. Because Rodrick Thompson was a passenger in a vehicle on a public roadway, Jamie Reed owed this duty to Rodrick Thompson. However, when Jamie Reed negligently operated the vehicle, Jamie Reed breached the duty that was owed to Rodrick Thompson.

36. The direct and proximate cause of Rodrick Thompson's injuries was the negligence of Jamie Reed. And as a result of Jamie Reed's negligence, Rodrick Thompson suffered bodily injuries and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical care and treatment, loss of the ability to earn money, and

an aggravation of a pre-existing condition. The losses are permanent and continuing in nature and Rodrick Thompson will suffer the losses in the future. Jamie Reed is responsible and liable for these damages.

COUNT VI

CLAIMS OF RODRICK THOMPSON AGAINST PATRIOT TRANSPORTATION HOLDING, INC. d/b/a FLORIDA ROCK & TANK LINES, INC.

37. The Plaintiff, Rodrick Thompson, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

38. On or about January 16, 2015, the Defendant, Jamie Reed, operated a motor vehicle at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Alachua County, Florida. Said motor vehicle was operated and/or maintained in such a negligent manner so as to cause a collision with a vehicle in which Rodrick Thompson was a passenger. Specifically, the Defendant, Jamie Reed, was negligent because he was driving at an excessive speed, because he was driving too fast for a flashing caution/yellow light, because he was not paying attention, because he was talking/texting/using a mobile device, and/or because he failed to keep a proper look out in the presence of a flashing caution/yellow light. In fact, Jamie Reed had the cruise control set at a speed which was in excess of the legal speed limit. Because of such negligent driving, Jamie Reed collided with a vehicle in which Rodrick Thompson was a passenger. Rodrick Thompson was severely injured as a result of the collision.

39. The Defendant, Jamie Reed, had a duty to drive the vehicle safely and responsibly. Because Rodrick Thompson was a passenger in a vehicle on a public roadway, Jamie Reed owed this duty to Rodrick Thompson. However, when Jamie Reed negligently operated the vehicle, Jamie

Reed breached the duty that was owed to Rodrick Thompson.

40. At the time of the collision referenced herein, Jamie Reed was operating said motor vehicle with the permission of Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc., the owner of said motor vehicle.

41. The direct and proximate cause of Rodrick Thompson's injuries was the negligence of Jamie Reed. And as a result of Jamie Reed's negligence, Rodrick Thompson suffered bodily injuries and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical care and treatment, loss of the ability to earn money, and an aggravation of a pre-existing condition. The losses are permanent and continuing in nature and Rodrick Thompson will suffer the losses in the future. Patriot Transportation Holding, Inc. d/b/a Florida Rock & Tank Lines, Inc. is responsible and liable for these damages.

COUNT VII
CLAIMS OF PATRICIA BRADLEY MCNAIR, AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF DONTÉ MANDEL BRADLEY-FAULK, AGAINST
THE CITY OF GAINESVILLE

42. The Plaintiff, Patricia Bradley McNair, as Personal Representative of the Estate of Donte Mandel Bradley-Faulk, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

43. At all pertinent times herein, the City of Gainesville had the full authority and the duty to control, maintain, and manage the subject intersection, including the traffic lights, traffic control devices, and stop bar painted on the road.

44. At all pertinent times herein, the City of Gainesville had the full authority and the

duty to control, maintain, and manage the subject intersection, including the foliage, shrubs, vegetation, trees, fence, metal boxes, and the adjoining area known as Green Tree Park.

45. At all pertinent times herein, the City of Gainesville was the governmental entity charged with the responsibility of operating, overseeing, and maintaining the municipal property located within the City of Gainesville, Florida.

46. On or about January 16, 2015, at approximately 3:50 a.m., the subject motor vehicle collision occurred at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Florida. Specifically, Jamie Reed was driving a truck eastbound on NW 39th Avenue when he collided with a car that was traveling northbound on NW 19th Street. Donte Mandel Bradley-Faulk was a passenger in the car. As a result of the collision, Donte Mandel Bradley-Faulk sustained fatal injuries.

47. At the time of the subject collision, the intersection had a flashing yellow light for the eastbound and westbound traffic and a flashing red light for the northbound and southbound traffic; overgrown foliage, shrubs, vegetation, and trees; an improperly located fence and metal boxes; and an improperly located stop bar painted on the roadway for northbound traffic. Because the subject intersection is a known dangerous intersection, the flashing traffic lights should have been replaced with solid traffic lights. The overgrown foliage, shrubs, vegetation, and trees and the improperly located fence and metal boxes were hazardous and dangerous in that the conditions prevented the northbound car from seeing the eastbound truck coming from the left. And because of the obstructions at the subject intersection, the stop bar should have been moved closer to the intersection to allow northbound traffic to observe eastbound traffic coming from the left.

48. These hazardous conditions were known to the City of Gainesville.

49. These hazardous conditions had existed for a sufficient period of time that the City of Gainesville should have known of such hazardous conditions.

50. The direct and proximate cause of the Plaintiff's injuries was the negligence of the City of Gainesville. The injuries are the result of the following negligence and breach of duty owed to the Plaintiff: The City of Gainesville created the hazardous condition and/or caused the hazardous condition to exist. The City of Gainesville had actual knowledge of the hazardous condition, but failed to correct it. The hazardous condition had existed for a sufficient amount of time that the City of Gainesville had constructive knowledge of the hazardous condition, but failed to correct it. The City of Gainesville failed to warn the public of a hazardous condition. The City of Gainesville failed to properly maintain or position the foliage, shrubs, fence and metal boxes at the subject intersection. The City of Gainesville failed to eliminate the flashing traffic lights at the intersection during the night hours. The City of Gainesville failed to move the stop bar on the roadway closer to the subject intersection.

51. As a result of the foregoing negligence, Patricia Bradley McNair, for and on behalf of the Estate of Donte Mandel Bradley-Faulk, and for the survivors under the Florida Wrongful Death Act, has suffered the loss of the decedent's support and services and his companionship and society; and mental pain and suffering; and the decedent's loss of prospective net accumulations of the estate; and medical and funeral expenses due to the decedent's injuries and death.

52. As a result of the foregoing negligence, the Estate of Donte Mandel Bradley-Faulk has lost prospective net accumulations and medical and funeral expenses due to the decedent's injury

and death.

53. This action is maintained according to the principles of law that a governmental entity is not protected by sovereign immunity when it is performing such operational level functions as proper maintenance, and/or the necessary and proper warning or correction of a known dangerous condition, and/or the necessary and proper maintenance of public improvements. Therefore, the acts and omissions of the City of Gainesville in creating a hazardous condition, and/or in failing to properly maintain the foliage, shrubs, fence and metal boxes at the subject intersection, and/or in failing to eliminate the flashing traffic lights at the intersection during the night hours, and/or in failing to move the stop bar on the roadway closer to the subject intersection, and/or in failing to warn the public of a potentially hazardous condition, are not protected by sovereign immunity.

54. The City of Gainesville is responsible and liable for the damages.

COUNT VIII
CLAIMS OF TERRELL BRADLEY AGAINST
THE CITY OF GAINESVILLE

55. The Plaintiff, Terrell Bradley, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

56. At all pertinent times herein, the City of Gainesville had the full authority and the duty to control, maintain, and manage the subject intersection, including the traffic lights, traffic control devices, and stop bar painted on the road.

57. At all pertinent times herein, the City of Gainesville had the full authority and the duty to control, maintain, and manage the subject intersection, including the foliage, shrubs, vegetation, trees, fence, metal boxes, and the adjoining area known as Green Tree Park.

58. At all pertinent times herein, the City of Gainesville was the governmental entity charged with the responsibility of operating, overseeing, and maintaining the municipal property located within the City of Gainesville, Florida.

59. On or about January 16, 2015, at approximately 3:50 a.m., the subject motor vehicle collision occurred at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Florida. Specifically, Jamie Reed was driving a truck eastbound on NW 39th Avenue when he collided with a car that was traveling northbound on NW 19th Street. Terrell Bradley was a passenger in the car. Terrell Bradley was severely injured as a result of the collision.

60. At the time of the subject collision, the intersection had a flashing yellow light for the eastbound and westbound traffic and a flashing red light for the northbound and southbound traffic; overgrown foliage, shrubs, vegetation, and trees; an improperly located fence and metal boxes; and an improperly located stop bar painted on the roadway for northbound traffic. Because the subject intersection is a known dangerous intersection, the flashing traffic lights should have been replaced with solid traffic lights. The overgrown foliage, shrubs, vegetation, and trees and the improperly located fence and metal boxes were hazardous and dangerous in that the conditions prevented the northbound car from seeing the eastbound truck coming from the left. And because of the obstructions at the subject intersection, the stop bar should have been moved closer to the intersection to allow northbound traffic to observe eastbound traffic coming from the left.

61. These hazardous conditions were known to the City of Gainesville.

62. These hazardous conditions had existed for a sufficient period of time that the City of Gainesville should have known of such hazardous conditions.

63. The direct and proximate cause of the Plaintiff's injuries was the negligence of the City of Gainesville. The injuries are the result of the following negligence and breach of duty owed to the Plaintiff: The City of Gainesville created the hazardous condition and/or caused the hazardous condition to exist. The City of Gainesville had actual knowledge of the hazardous condition, but failed to correct it. The hazardous condition had existed for a sufficient amount of time that the City of Gainesville had constructive knowledge of the hazardous condition, but failed to correct it. The City of Gainesville failed to warn the public of a hazardous condition. The City of Gainesville failed to properly maintain or position the foliage, shrubs, fence and metal boxes at the subject intersection. The City of Gainesville failed to eliminate the flashing traffic lights at the intersection during the night hours. The City of Gainesville failed to move the stop bar on the roadway closer to the subject intersection.

64. As a result of the foregoing negligence of the City of Gainesville, Terrell Bradley suffered bodily injuries and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical care and treatment, loss of the ability to earn money, and an aggravation of a pre-existing condition. The losses are permanent and continuing in nature and Terrell Bradley will suffer the losses in the future.

65. This action is maintained according to the principles of law that a governmental entity is not protected by sovereign immunity when it is performing such operational level functions as proper maintenance, and/or the necessary and proper warning or correction of a known dangerous condition, and/or the necessary and proper maintenance of public improvements. Therefore, the acts and omissions of the City of Gainesville in creating a hazardous condition, and/or in failing to properly maintain the foliage, shrubs, fence and metal boxes at the subject intersection, and/or in

failing to eliminate the flashing traffic lights at the intersection during the night hours, and/or in failing to move the stop bar on the roadway closer to the subject intersection, and/or in failing to warn the public of a potentially hazardous condition, are not protected by sovereign immunity.

66. The City of Gainesville is responsible and liable for the damages.

COUNT IX
CLAIMS OF RODRICK THOMPSON AGAINST
THE CITY OF GAINESVILLE

67. The Plaintiff, Rodrick Thompson, re-alleges and re-asserts all allegations and assertions in paragraphs 1-10, and in all other Counts, and would further state:

68. At all pertinent times herein, the City of Gainesville had the full authority and the duty to control, maintain, and manage the subject intersection, including the traffic lights, traffic control devices, and stop bar painted on the road.

69. At all pertinent times herein, the City of Gainesville had the full authority and the duty to control, maintain, and manage the subject intersection, including the foliage, shrubs, vegetation, trees, fence, metal boxes, and the adjoining area known as Green Tree Park.

70. At all pertinent times herein, the City of Gainesville was the governmental entity charged with the responsibility of operating, overseeing, and maintaining the municipal property located within the City of Gainesville, Florida.

71. On or about January 16, 2015, at approximately 3:50 a.m., the subject motor vehicle collision occurred at or near the intersection of NW 39th Avenue and NW 19th Street, in Gainesville, Florida. Specifically, Jamie Reed was driving a truck eastbound on NW 39th Avenue when he collided with a car that was traveling northbound on NW 19th Street. Rodrick Thompson was a

passenger in the car. Rodrick Thompson was severely injured as a result of the collision.

72. At the time of the subject collision, the intersection had a flashing yellow light for the eastbound and westbound traffic and a flashing red light for the northbound and southbound traffic; overgrown foliage, shrubs, vegetation, and trees; an improperly located fence and metal boxes; and an improperly located stop bar painted on the roadway for northbound traffic. Because the subject intersection is a known dangerous intersection, the flashing traffic lights should have been replaced with solid traffic lights. The overgrown foliage, shrubs, vegetation, and trees and the improperly located fence and metal boxes were hazardous and dangerous in that the conditions prevented the northbound car from seeing the eastbound truck coming from the left. And because of the obstructions at the subject intersection, the stop bar should have been moved closer to the intersection to allow northbound traffic to observe eastbound traffic coming from the left.

73. These hazardous conditions were known to the City of Gainesville.

74. These hazardous conditions had existed for a sufficient period of time that the City of Gainesville should have known of such hazardous conditions.

75. The direct and proximate cause of the Plaintiff's injuries was the negligence of the City of Gainesville. The injuries are the result of the following negligence and breach of duty owed to the Plaintiff: The City of Gainesville created the hazardous condition and/or caused the hazardous condition to exist. The City of Gainesville had actual knowledge of the hazardous condition, but failed to correct it. The hazardous condition had existed for a sufficient amount of time that the City of Gainesville had constructive knowledge of the hazardous condition, but failed to correct it. The City of Gainesville failed to warn the public of a hazardous condition. The City

of Gainesville failed to properly maintain or position the foliage, shrubs, fence and metal boxes at the subject intersection. The City of Gainesville failed to eliminate the flashing traffic lights at the intersection during the night hours. The City of Gainesville failed to move the stop bar on the roadway closer to the subject intersection.

76. As a result of the foregoing negligence of the City of Gainesville, Rodrick Thompson suffered bodily injuries and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, the expense of medical care and treatment, loss of the ability to earn money, and an aggravation of a pre-existing condition. The losses are permanent and continuing in nature and Rodrick Thompson will suffer the losses in the future.

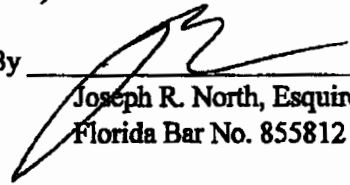
77. This action is maintained according to the principles of law that a governmental entity is not protected by sovereign immunity when it is performing such operational level functions as proper maintenance, and/or the necessary and proper warning or correction of a known dangerous condition, and/or the necessary and proper maintenance of public improvements. Therefore, the acts and omissions of the City of Gainesville in creating a hazardous condition, and/or in failing to properly maintain the foliage, shrubs, fence and metal boxes at the subject intersection, and/or in failing to eliminate the flashing traffic lights at the intersection during the night hours, and/or in failing to move the stop bar on the roadway closer to the subject intersection, and/or in failing to warn the public of a potentially hazardous condition, are not protected by sovereign immunity.

78. The City of Gainesville is responsible and liable for the damages.

WHEREFORE, the Plaintiffs demand judgment for damages against the Defendants and a trial by jury of all issues so triable.

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By



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