# LEGISTAR NO. 160824

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

CASE NO.: 01-2017-CA-0382

DIVISION: J

DEREK K. WILLIAMS,

Plaintiff.

VS

CITY OF GAINESVILLE,

Defendant.

### COMPLAINT

COMES NOW the Plaintiff, DEREK K. WILLIAMS, by and through his undersigned attorneys, and sues the Defendant, CITY OF GAINESVILLE, alleging as follows:

- This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and interest.
- 2. At all times material hereto, Plaintiff, DEREK K. WILLIAMS, was a resident of Gainesville, Alachua County, Florida.
- 3. The Plaintiff, DEREK K. WILLIAMS, has complied with Florida Statue §768.28(6)(a) by sending a letter, which was dated March 17, 2015, giving notice of Plaintiff's intent to file suit against the City of Gainesville for the accident which arose on March 3, 2015. A copy of the Plaintiff's letter along with its certified return receipts are attached hereto as Exhibit "A".
- The six-month waiting period required by statute has expired and all conditions precedent to the filing of this action have been met by Plaintiff.
- On or about March 3, 2015, Defendant, CITY OF GAINESVILLE, was a Municipal Corporation.

- At all times relevant, WAYNE MATHEWS was an employee of Defendant,
   CITY OF GAINESVILLE, acting within the course and scope of his employment.
- 7. On or about March 3, 2015, WAYNE MATHEWS, with the permission of Defendant, CITY OF GAINESVILLE, and in the course and scope of his employment, operated a motor vehicle, to wit: a 2010 Gillig Transit Bus VIN 15GGD2710A1178315 owned by the Defendant, CITY OF GAINESVILLE, on SW 20<sup>th</sup> Avenue at or near the intersection with SW 34<sup>th</sup> Street in Gainesville, Alachua County, Florida.
- 8. At that time and place, WAYNE MATHEWS negligently operated the motor vehicle, to wit: the above described City Bus, so that it collided with the front of the vehicle Plaintiff, DEREK K. WILLIAMS, was driving.
- 9. As a result of the negligence of the Defendant's employee, WAYNE MATHEWS, while operating a motor vehicle owned by Defendant, CITY OF GAINESVILLE, and in the course and scope of his employment, Plaintiff, DEREK K. WILLIAMS, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer said losses in the future.

WHEREFORE, the Plaintiff, DEREK K. WILLIAMS, demands judgment for damages together with costs against Defendant, CITY OF GAINESVILLE, and further demands a trial by jury as to all issues so triable.

DATED this 1st day of February, 2017.

FINE, FARKASH & PARLAPIANO, P.A.

622 N.E. First Street

Gainesville, Florida 32601

(352) 372-7777

(352) 372-0049 (facsimile)

Primary: ctine@ffplaw.com

Secondary hkhan@ffplaw.com

BY:

CHERIE H. FINE, ESQUIRE,

Attorney for Plaintiff Fla. Bar No. 0331317

### **ATTORNEYS** FINE, FARKASH & PARLAPIANO, P.A.



JACK J. FINE CHERIE H. FINE A. DANIEL VAZQUEZ

OF COUNSEL MARTHA ANN LOTT THOMAS J. FARKASH ALAN R. PARLAPIANO

622 NORTHEAST FIRST STREET GAINESVILLE, FLORIDA 32001 TELEPHONE (352) 372-7777 TOLL FREE (800) 637-4545 FAX (352) 372-0049 www.ffplaw.com

March 17, 2015

### VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Ed Braddy, Mayor and Chairman Gainesville City Commission P.O. Box 490 Station 19 Gainesville, FL 32627-0490

Russ Blackburn, City Manager City of Gainesville P.O. Box 490 Station 6 Gainesville, FL 32627-0490

Teresa Scott, P.E. City of Gainesville - Public Works P.O. Box 490 Station 58 Gainesville, FL 32627-0490

RE:

My Client:

**Derek Williams** 

Date of Loss:

March 3, 2015

### To Whom It May Concern:

In accordance with the provision of Chapter 768 of the Florida Statutes, please be advised that my office has been retained by Derek Williams for personal injuries he sustained in an accident on March 3. 2015. This letter will serve as formal notice of Derek Williams' claim against the City of Gainesville for personal injuries suffered by Derek Williams as a result of a his vehicle being struck by a City of Gainesville bus at the intersection of S.W. 20th Avenue and S.W. 34th Street, in Gainesville, Florida.

### I. LIABILITY

Our investigation reveals that the cause of the accident was bus driver, Wayne N. Mathews, making a wide right turn from S.W. 34th Street onto S.W. 20th Avenue. The bike rack attached to the front of the City of Gainesville bus struck Mr. Williams vehicle, causing Mr. Williams injuries.

352-351-3031

386-328-6519

St. Augustine 904-825-1247

Lake City 388-755-5104

Gainesville 352-372-777 This letter will serve to provide written notice per Chapter 768 of the Florida Statutes of Derek Williams' claim. Mr. Williams is currently treating for his injuries. When Mr. Williams reaches Maximum Medical Improvement we will submit a demand for your review and response. As required by section 768.28(6) (c) the following personal information concerning Mr. Williams is provided:

Date of Birth:

October 12, 1983

Social Security No.:

March 3, 2015

Date of Accident: Place of Birth:

Gainesville, Florida

Adjudicated Unpaid Claims in Excess of \$200:

Mr. Williams is unaware of prior adjudicated unpaid

claims in excess of \$200.00.

Should there be any other party that must receive notice of this correspondence; I am herein requesting that you immediately notify the undersigned in writing stating the exact name, title and address of said party.

Yours tryly

Cherie H. Fine, Esquire

CHF/lh

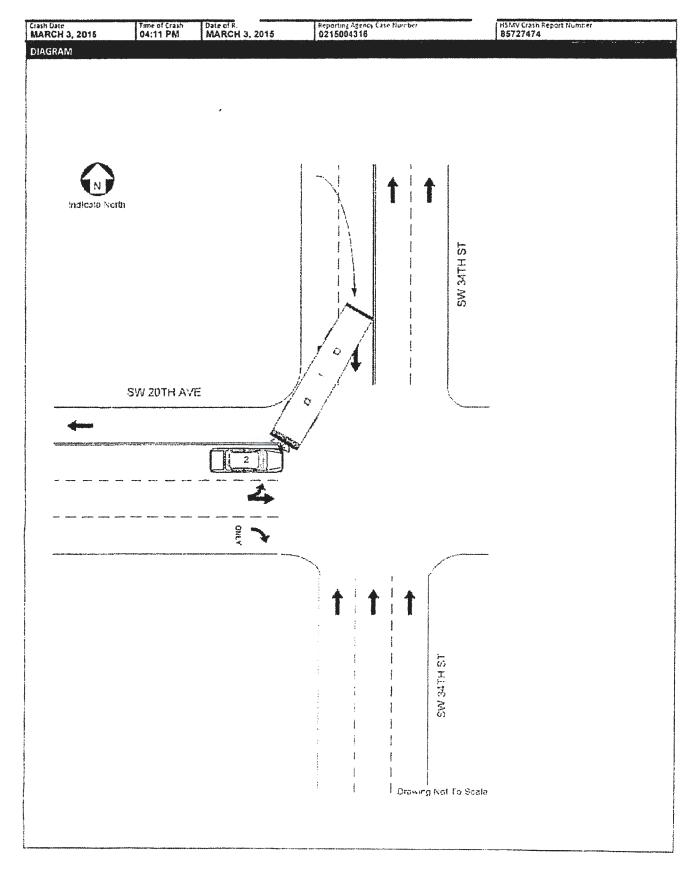
## FLORIDA TRAFFIC CRASH REPORT

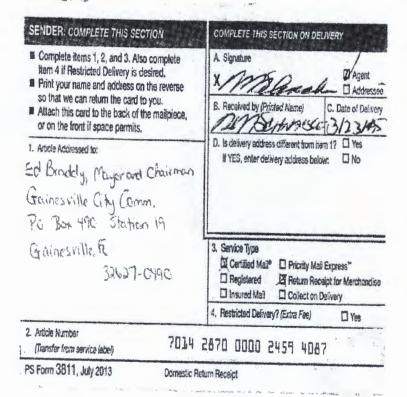
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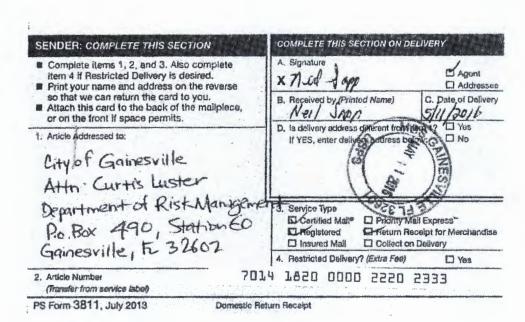




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PS Form 3800, July 2011