

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

Case No.:

LEVI CARUTHERS,

Plaintiff,

v.

CITY OF DAYTONA BEACH,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, LEVI CARUTHERS, ("Plaintiff"), by and through undersigned counsel, hereby
sues Defendant, CITY OF DAYTONA BEACH ("Defendant"), and alleges as follows:

JURISDICTION AND VENUE

1. This is an action for damages, which exceed the sum of Fifty Thousand Dollars (\$50,000.00), exclusive of costs, interest, and attorney fees (the estimated value of Plaintiff's claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff has entered "\$50,001" in the civil cover sheet for the "estimated amount of the claim" as required in the preamble to the civil cover sheet for jurisdictional purposes only (the Florida Supreme Court has ordered that the estimated "amount of claim" be set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff's claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

2. At all times material hereto, Plaintiff is a natural person residing in Volusia County, Florida.

3. At all times material hereto, Defendant is a municipality organized under the law of Florida.

4. Defendant was properly noticed of this claim pursuant to the requirements of Florida Statute Section 768.28(6).

5. Venue is appropriate in Volusia County, Florida because this is where the collision occurred.

FACTS

6. On or about September 2, 2023, Plaintiff was operating his vehicle in Volusia County, Florida.

7. At that time and place, Toure Randolph was operating a vehicle behind Plaintiff's vehicle.

8. At that time and place, Toure Randolph was operating said vehicle in the course and scope of his employment with Defendant.

9. At that time and place, Toure Randolph negligently operated his vehicle and struck Plaintiff's vehicle from the rear.

10. As a direct and proximate result of said collision, Plaintiff suffered serious and permanent injuries.

COUNT I **NEGLIGENCE CLAIM AGAINST DEFENDANT** **CITY OF DAYTONA BEACH**

Plaintiff, LEVI CARUTHERS, hereby readopts, realleges, and incorporates the allegations set forth in paragraphs one (1) through (10) of the Complaint as if fully set forth herein, and further alleges:

11. At all times material, Toure Randolph was negligent and careless in the operation of his motor vehicle as to collide with the vehicle operated by Plaintiff.

12. Defendant is vicariously liable for the negligence of Toure Randolph, pursuant to the doctrine of respondeat superior.

13. As a direct and proximate result of the foregoing negligence, Plaintiff suffered bodily injury and resulting pain and suffering, impairment, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical, and nursing care and treatment, loss of earnings, and loss of the ability to earn money. The injuries to Plaintiff are permanent within a reasonable degree of medical probability, and Plaintiff will continue to suffer losses in the future.

WHEREFORE, Plaintiff, LEVI CARUTHERS, demands judgement for damages against Defendant, CITY OF DAYTONA BEACH, together with costs, interest and other such relief deemed just and proper by the Court and demands trial by jury on all issues so triable.

TRIAL BY JURY

Plaintiff, LEVI CARUTHERS, respectfully demands trial by jury of all issues and counts so triable herein.

RESPECTFULLY SUBMITTED this 25th day of September, 2024.

/s/ Nicholas J. Spetsas, Esq.
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