

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

CASE NO.:

MOHAMED GHANNAM

Plaintiff,

-vs-

CITY OF DAYTONA BEACH, a political
subdivision and municipality of Florida,

Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, the Plaintiff, by and through undersigned counsel, files this Complaint against the Defendant, and alleges as follows:

1. This is an action for damages in excess of \$50,000.00, exclusive of attorney fees and cost and is therefore within the exclusive subject matter jurisdiction of this court.
2. That at all times material hereto, the Plaintiff was a resident of Volusia County, Florida.
3. That at all times material hereto, the Defendant was/is a political subdivision /municipality existing under the laws of the State of Florida.
4. Sovereign Immunity notice pursuant to Fl. Stat. 768.28, was served via certified mail on the Defendant, and all conditions precedent have been satisfied, or in the alternative have been waived.

5. That the collision giving rise to this action occurred on June 4, 2023 at or near the intersection of S. Peninsula Drive & Silver Beach Avenue Daytona Beach, FL, Volusia County, Florida.

6. That at all times material hereto, Defendant acted through its agents servants and employees with the real, implied or apparent agency to act and at all times within the course and scope of their employment.

7. This action arises from a motor vehicle collision between vehicle owned by defendant and operated by its employee during the course and scope of his employment with the Daytona Beach Fire Department.

8. On the date and time of the accident the employee of the Daytona Beach Fire Department was responding to a call without the lights and sirens on the vehicle being activated.

9. The employee of the defendant owed a duty to the plaintiff to operate the vehicle with reasonable care.

10. The Defendant's employee breached this duty by failing to keep a proper lookout, failing to maintain control of his motor vehicle, by violating the right of way of the plaintiff, by failing to engage his vehicles emergency siren as he travelled through the intersection in violation of the traffic control device, and otherwise failing to avoid a collision with the Plaintiff's motor vehicle.

11. As a result, Plaintiff suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, inconvenience, 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 the losses in the future. Plaintiff has sustained permanent injuries within a reasonable degree of medical probability.

12. The defendant is vicariously liable for the negligent actions of its employee and all damages that proximately flow therefrom.

WHEREFORE, Plaintiff demands judgment for damages and costs against Defendant and a trial by jury of all issues herein.

DATED this 4th day of October, 2024.

FARAH & FARAH, P.A.



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