

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

MICHAEL ANEST,

Plaintiff,

-vs-

CASE NO.:

CITY OF DAYTONA BEACH,

Defendant.

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**COMPLAINT**

Plaintiff, MICHAEL ANEST, by and through his undersigned attorneys, sues Defendant, CITY OF DAYTONA BEACH, and alleges:

1. This is an action for damages that exceeds the sum of FIFTY THOUSAND DOLLARS (\$50,000.00), exclusive of costs, interest and attorneys' 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.

2. At all times material hereto, Plaintiff, MICHAEL ANEST, was a resident of Volusia County, Florida.

3. At all times material hereto Defendant, CITY OF DAYTONA BEACH, was and is a subdivision of the State of Florida.

4. That at all times material hereto Christopher Fletcher Aurian, a non-party, was a resident of Volusia County, Florida.

5. At all times material, Christopher Fletcher Aurian was an agent and/or employee of Defendant, CITY OF DAYTONA BEACH.

6. All conditions precedent have been performed pursuant to Florida Statutes 768.28(6). Defendant, CITY OF DAYTONA BEACH, was notified on or about February 12, 2024. Defendant, CITY OF DAYTONA BEACH, has denied the claim.

7. The Seventh Judicial Circuit has venue pursuant to Florida Statutes, § 47.011 because the cause of action occurred in Volusia County, Florida.

8. On or about December 4, 2023, Plaintiff, MICHAEL ANEST, was a fully restrained driver operating his vehicle northbound on Halifax Ave. towards the intersection with Seabreeze Blvd in Daytona Beach, Volusia County, Florida.

9. At the time and place, Defendant, CITY OF DAYTONA BEACH, owned a motor vehicle that was operated with its consent and permission by its employee/agent, Christopher Fletcher Aurian, who was operating the vehicle in the course and scope of his employment/agency with the Defendant, CITY OF DAYTONA BEACH. Specifically, at that time, Christopher Fletcher Aurian was operating the vehicle westbound on Seabreeze Blvd. towards the intersection with Halifax Ave. in Daytona Beach, Volusia County, Florida.

10. At that time and place, Christopher Fletcher Aurian owed Plaintiff a duty to use reasonable care in the operation of the vehicle and breached that duty by negligently operating, including but not limited to driving through a red-light signal, the vehicle so that it collided with the motor vehicle occupied by Plaintiff.

11. The collision caused severe and permanent injuries to Plaintiff.

12. Pursuant to the doctrine of respondeat superior, Defendant, CITY OF DAYTONA BEACH, is vicariously liable for the negligence of Christopher Fletcher Aurian.

13. As a direct and proximate result of the negligence of Christopher Fletcher Aurian, for which Defendant, CITY OF DAYTONA BEACH, is vicariously liable, Plaintiff suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, aggravation of a pre-existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and loss of ability to lead and enjoy a normal life. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future. Plaintiff's automobile was damaged, and he lost the use of it during the period required for its repair or replacement.

WHEREFORE the Plaintiff demands judgment against the Defendant, CITY OF DAYTONA BEACH, and other such relief deemed proper by the Court. Plaintiff also demands a trial by jury of all issues triable as of right by a jury.

DATED this 24th day of October, 2024.

*s/Steven E. Hermosa*

Steven E. Hermosa, Esq.

FBN: 1009689

**Morgan & Morgan Orlando P.A.**

20 North Orange Avenue, Suite 1600

Orlando, FL 32801

Tele: (407) 245-3518

Fax: (407) 204-2207

Primary E-Mail: [steven.hermosa@forthepeople.com](mailto:steven.hermosa@forthepeople.com)

Secondary E-Mail: [hallem@forthepeople.com](mailto:hallem@forthepeople.com)

Attorney for Plaintiff