

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

SHAVONNE STEWART SANDERS,

Plaintiff

CASE NO.: _____

v.

**CITY OF DELTONA, AND
SANDY CONTRERAS AND
EDWIN CONTRERAS,**

Defendants.

_____ /

**COMPLAINT FOR DAMAGES
AND DEMAND FOR JURY TRIAL**

COMES NOW, the Plaintiff, SHAVONNE STEWART SANDERS (herein referred to as “The Plaintiff”) by and through her undersigned counsel and attorney, and hereby SUES the Defendants, CITY OF DELTONA, and SANDY CONTRERAS AND EDWIN CONTRERAS, (hereinafter collectively referred to as “Defendants”), and alleges as follows:

I.

Jurisdiction and Venue

1. This is an action for money damages exceeding Fifty Thousand Dollars (\$50,000.00), exclusive of attorney’s fees, costs, and interest.
2. At all pertinent times, Plaintiff was a resident of Volusia County, Florida.
3. The Defendant CITY OF DELTONA is a municipal entity located in Volusia County, Florida, responsible for the maintenance of public property within its jurisdiction, including the sidewalk and adjoining areas near 1201 Bailey Avenue, Deltona, Florida, which is where the accident in this complaint took place.
4. The Defendants SANDY CONTRERAS AND EDWIN CONTRERAS (herein referred to as the Homeowners) are the owners of the residential property located at or near 1201 Bailey Avenue, Deltona, Florida, Volusia County, Florida, which is where the accident in this complaint took place.

5. Venue is proper in Volusia County, Florida, because the incident giving rise to this Complaint occurred within Volusia County, Florida.
6. This Court has both personal and subject matter jurisdiction over the parties to this cause of action because the incident that is the subject of this complaint took place in Volusia County, Florida, and all parties are residents of Volusia County, Florida.

*II.
Request*

7. Plaintiff demands judgment for monetary compensation in excess of Fifty Thousand Dollars (\$50,000.00) for the following:
8. Reasonable and necessary medical expenses in the past.
9. Reasonable and necessary medical expenses in the future.
10. Loss of wages in the past.
11. Loss of wages in the future.
12. Pain and suffering, disability, physical impairment, mental anguish, and/or loss of capacity for the enjoyment of life in the PAST.
13. Pain and suffering, disability, physical impairment, mental anguish, and/or loss of capacity for the enjoyment of life in the FUTURE.
14. Any other relief deemed just and proper by the Court.

*III.
Statement of Facts*

15. On or about December 16, 2020, Plaintiff was performing her duties as a UPS delivery agent. The Plaintiff was delivering a package at the address located at 1201 Bailey Avenue, Deltona, Florida.
16. As she was walking, she stepped into a concealed hole located on the side of the sidewalk near or directly in front of 1201 Bailey Avenue, Deltona, Florida. This hole is located between the public sidewalk and the public street.
17. The hole was approximately one to two feet deep and was obscured by overgrown grass, leaves, and vegetation, making it not readily visible to pedestrians.

18. As a result of stepping into the concealed hole, Plaintiff's foot twisted awkwardly, causing her to fall with significant force and sustain substantial injuries.
19. The City of Deltona owns and/or maintains the land adjacent to the sidewalk where the hole was located, and the homeowner of 1201 Bailey Avenue, Deltona, Florida, is responsible for maintaining the portion of land adjoining their property.
20. Said location of the hole is between the public sidewalk and the public street. The City of Deltona, owner of said public right of way, is responsible for said repairs and/or maintenance of dangerous conditions of said area, and the Homeowners are responsible for the maintenance of said area.
21. At the time of the incident, neither the City of Deltona nor the homeowner had taken any action to repair, fill, or warn pedestrians of the existence of the dangerous condition.
22. The Plaintiff sustained serious injuries as a result of the incident, including but not limited to disc bulges, herniations, and severe left knee pain requiring extensive medical treatment, including physical therapy, medications, and recommendations for surgical intervention.
23. The Plaintiff incurred substantial medical expenses and continues to suffer from ongoing pain and limited mobility as a result of her injuries.

IV.
Grounds
NEGLIGENCE

24. The basis of the Plaintiff's claim is grounded in NEGLIGENCE.
25. Negligence arises when a party fails to exercise reasonable care under the circumstances, resulting in harm to another party. To establish negligence, the Plaintiff must prove the elements of duty, breach, causation, and damages. Each Defendant herein owed specific duties of care to the Plaintiff, which they failed to uphold, directly causing the Plaintiff's injuries and damages.

Count I: NEGLIGENCE (CITY OF DELTONA)

26. Duty: The City of Deltona had a duty to maintain its sidewalks and adjoining areas in a reasonably safe condition for pedestrians. Considering the location of the fall, that portion of land (between the public sidewalk and public street) is owned by the City of Deltona. Said duties include conducting regular inspections to identify hazards and taking appropriate steps to repair or warn against such hazards. The City of Deltona's

responsibility extended to the area near 1201 Bailey Avenue, where the concealed hole posed a foreseeable risk to pedestrians.

27. Breach: The City of Deltona breached its duty of care by failing to inspect, maintain, and/or repair the dangerous condition of the hole. The City of Deltona also failed to provide adequate warnings to pedestrians about the concealed hazard. This failure to act demonstrated a lack of reasonable care in ensuring the safety of public areas under its jurisdiction. The breach itself is important in this case because the issue is the condition of the hole. The City of Deltona breached their duty for failing to inspect and repair the hole. Upon inspection, the City of Deltona would have discovered that the concrete itself has a hole under it. It appears water has filled said hole making it deeper and deeper. Part of the sidewalk concrete is exposed, and thus the City of Deltona, being the right-of-way owner of said property, should have inspected it and repaired same, but failed to do so. The City of Deltona may argue that they are not responsible to maintain, which the Plaintiff disagrees, but the City of Deltona, regardless, is responsible to make repairs as the owner of said right-of-way public area.
28. Causation: The City of Deltona's breach of duty was the direct and proximate cause of Plaintiff's injuries. Had the City fulfilled its obligation to maintain the area or warn of the hazard, Plaintiff would not have stepped into the concealed hole and sustained her injuries. The injuries were a foreseeable result of the City's inaction to inspect its owned areas and make repairs accordingly. Thus, but for the City of Deltona failing to inspect and repair the hole, the Plaintiff would not have fallen into it.

Count II: NEGLIGENCE (SANDY CONTRERAS AND EDWIN CONTRERAS)

29. Duty: The Homeowners, SANDY CONTRERAS AND EDWIN CONTRERAS, had a duty to maintain the portion of land adjoining their property in a reasonably safe condition for pedestrians. This includes identifying and addressing hazards on the property, particularly those that pose a significant risk to individuals lawfully present. Their specific duty was to keep the grass and any vegetation cut and orderly. This duty, being that they are responsible for the maintenance of said area, was to inspect and make sure the grass and area were clear of high grass and vegetation.
30. Breach: SANDY CONTRERAS AND EDWIN CONTRERAS breached their duty of care by failing to inspect, maintain, or repair the dangerous condition of the hole. The homeowner also failed to provide any warnings about the hazard, thereby neglecting their obligation to ensure the safety of individuals who might traverse the area. More specifically, they simply failed to keep the grass and vegetation low. Upon further inspection, the Homeowners failed to make any repairs or fill the hole to keep it safe. The

Homeowners may argue that the City of Deltona is responsible for repairs, but, regardless, they were responsible to maintain the area as well.

31. Causation: The homeowner's breach of duty directly and proximately caused Plaintiff's injuries. If the homeowner had taken reasonable steps to address or warn about the concealed hole, Plaintiff would not have suffered harm. The injuries were a foreseeable consequence of the homeowner's inaction. But for the Homeowners not cutting the grass and clearing the vegetation, the hole would have been more exposed and would have warned passing individuals from the danger of said hole.

*V.
Damages*

32. As a result of the Defendants' negligence as stated above, the Plaintiff suffered the following damages:

- a. Disc herniations at the following levels: C3-C4 Posterocentral disc protrusion herniation, compressing the thecal sac, C5-C6 Posterocentral disc protrusion herniation, compressing the thecal sac, C6-C7 Posterocentral disc protrusion herniation with increased T2 signals (edema/inflammation associated with annular tears), compressing the thecal sac.
- b. Disc bulges at the following levels: L4-L5 Disc bulge compressing the thecal sac, L5-S1 Posterocentral disc protrusion type herniation, compressing the thecal sac.
- c. Grade I/II chondromalacia of the interfacetal region of the left knee patella.
- d. Severe left knee injuries requiring ongoing medical treatment and recommendation for arthroscopic surgery.
- e. Substantial past medical expenses related to emergency care, diagnostic imaging, physical therapy, and specialist consultations.
- f. Future medical expenses, including potential surgical intervention, continued therapy, and pain management treatments.
- g. Physical pain and suffering, including chronic discomfort and limited mobility due to the injuries sustained.

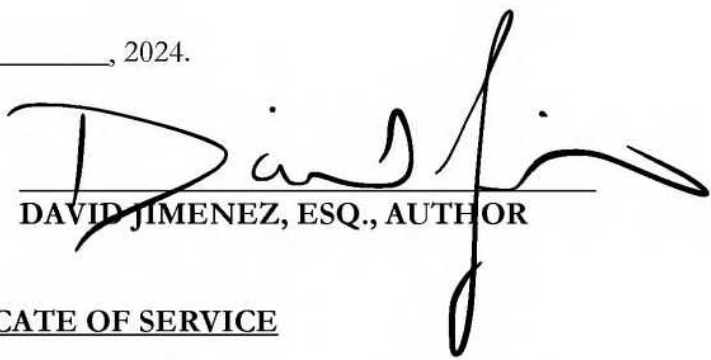
- h. Loss of enjoyment of life, as the injuries have restricted Plaintiff's ability to engage in normal daily activities and recreational pursuits.
- i. Additional economic losses, including out-of-pocket expenses related to transportation to medical appointments and necessary accommodations for recovery.

33. The accident caused the above damages and injuries, including recommendation for surgical intervention of the left knee. Said injuries have caused for the Plaintiff not to be able to do the things as long or as effectively as she used to.

34. Ms. Stewart Sanders demands a trial by jury.

WHEREFORE, the Plaintiff, **SHAVONNE STEWART SANDERS**, demands judgment for damages in excess of \$50,000.00 against the Defendants not including costs, prejudgment interest, and demands trial by jury.

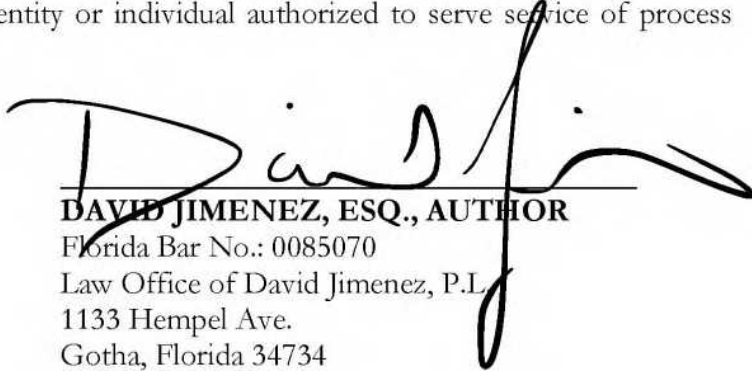
DATED this _____ day of _____, 2024.



DAVID JIMENEZ, ESQ., AUTHOR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Complaint for Damages and Demand for Trial by Jury* has been filed via the E-Portal and will be served by service of process upon the Defendants by an authorized entity or individual authorized to serve service of process within the statutory time limits.



DAVID JIMENEZ, ESQ., AUTHOR

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