

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

AMANDA BARBIERI,

Plaintiff,

v.

CITY OF DELAND,

Defendant.

CASE NO.:

DIVISION:

COMPLAINT

COMES NOW, the Plaintiff, AMANDA BARBIERI, by and through her undersigned attorney, sues the Defendant, CITY OF DELAND, and alleges the following:

1. This is a civil action for damages that exceeds the sum of fifty thousand dollars (\$50,000.00), exclusive of costs, interest and attorney's fees (The estimated value of Plaintiff's claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, the Plaintiff has entered "\$50,001.00" in the civil cover sheet for the "estimated amount of the claim" as required in the preamble to the civil court 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, the Plaintiff, AMANDA BARBIERI, was a resident of New Smyrna Beach, Volusia County, Florida.

3. On or about March 20, 2021, and at all times material hereto, the Defendant, CITY OF DELAND, was a local governmental entity operating under the laws of the State of Florida within Volusia County, Florida.

4. Venue is proper with this Court because the incident giving rise to this cause of action occurred in New Smyrna Beach, Volusia County, Florida.

5. The Plaintiff, AMANDA BARBIERI, has complied with the notice requirement, pursuant to *Fla. Stat.* §768.28 and all other conditions precedent have been completed.

6. On or about March 20, 2021, and at all times material hereto, the Defendant, CITY OF DELAND, acted through its agents, servants, and employees who were acting within the course and scope of their agency, service, and employment.

7. On or about March 20, 2021, and at all times material hereto, the Defendant, CITY OF DELAND, owned and/or maintained a 2017 Ford automobile with vehicle identification number 1FAHP2MK9HG106895 and Florida license tag number XF1674.

8. On or about March 20, 2021, at approximately 6:08 a.m., Zachary W. Hayden operated said 2017 Ford automobile with vehicle identification number 1FAHP2MK9HG106895 and Florida license tag number XF1674 within the course and scope of his employment as a police officer with the Defendant, CITY OF DELAND, and in his official capacity.

9. On or about March 20, 2021, at approximately 6:08 a.m., Zachary W. Hayden operated said 2017 Ford automobile with vehicle identification number 1FAHP2MK9HG106895 and Florida license tag number XF1674 with the permission and/or consent of the Defendant, CITY OF DELAND.

10. On or about March 20, 2021, at approximately 6:08 a.m., Zachary W. Hayden operated said 2017 Ford automobile with vehicle identification number 1FAHP2MK9HG106895 and Florida license tag number XF1674 on State Road 44 at or near the intersection of Glencoe Road in New Smyrna Beach, Volusia County, Florida.

11. At said time and location, Zachary W. Hayden negligently operated or maintained said 2017 Ford automobile with vehicle identification number 1FAHP2MK9HG106895 and

Florida license tag number XF1674 when he made an improper, unsafe, and illegal U-turn during a red light, causing a collision with a 2019 Chevrolet Silverado with vehicle identification number 2GCRCPEC7K1106642 and Florida license tag number LCBZ28 that was being operated by the seat belted Plaintiff, AMANDA BARBIERI, and in the process of making a left turn on a green light.

12. The Defendant, CITY OF DELAND, is vicariously liable for the negligent acts and omissions of its employees, agents, and servants.

13. As a direct and proximate result of the above-described negligence, the Plaintiff, AMANDA BARBIERI, sustained bodily injuries resulting in pain and suffering, disability, loss of capacity for the enjoyment of life, expense of hospitalization, medical care, and treatment. Plaintiff's losses are permanent or continuing and she will suffer such losses in the future.

WHEREFORE, the Plaintiff, AMANDA BARBIERI, demands judgment for damages against the Defendant, CITY OF DELAND, and demands a trial by jury.

CHANFRAU & CHANFRAU

Dated: February 27, 2025

/s/ Greg A. Olsen
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