

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

STEPHANIE CHILDS,

CASE NO. _____

Plaintiff,

vs.

THE CITY OF DEBARY,

Defendant.

_____ /

COMPLAINT

COMES NOW Plaintiff, STEPHANIE CHILDS, by and through the undersigned counsel, and hereby files this Complaint against Defendant THE CITY OF DEBARY and further alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages which exceeds Fifty Thousand Dollars (\$50,000.00), exclusive of interests, costs, and attorney fees.

2. At all times material to the cause herein, Plaintiff was a resident of Volusia County, Florida and is otherwise *sui juris*.

3. At all times material to the cause herein, the Defendant, THE CITY OF DEBARY owned and maintained the sidewalk located on Highbanks Road.

6. On or about on or about October 14, 2024, Plaintiff was riding her bike when she encountered a section of unrepaired broken sidewalk which was closed, forcing her into the roadway on West Highbanks Road, Debary, Florida. As Plaintiff attempted to re-enter the sidewalk, her bike tire made contact with a hole, propelling her from her bike. Defendant owed a duty to Plaintiff to maintain the sidewalk in a reasonable and safe condition. The sidewalk closure and detour failed to comply with industry standards, applicable rules and regulations, and was

unsafe.

7. Defendants breached this duty by failing to maintain the property in a safe condition including but not limited to, failing to ensure the sidewalk was in safe, good condition. All conditions precedent to the bringing of this suit have been complied with or waived by defendants. (See “Exhibit A,” for notice to City Of DeBary.)

8. Alternatively, Defendants failed to warn of the dangerous condition which they should have known about.

COUNT I – NEGLIGENCE AGAINST THE CITY OF DEBARY

Plaintiff hereby adopts and incorporates paragraphs 1 through 8 as if fully set forth herein and alleges further:

13. On or about October 14, 2024, Defendant breached its duty in one or more of the following ways:

- a. Failing to properly warn of the dangers of the broken sidewalk.
- b. Failing to properly to comply with industry standards, applicable rules and regulations when closing a portion of the sidewalk to the public.

14. As a direct and proximate result of the Defendant’s breach of the aforementioned duties, on or about October 14, 2024, Plaintiff was propelled from her bike and suffered personal injuries including bodily injury, medical expenses, pain and suffering, permanent injury, emotional distress, loss of the enjoyment of life, aggravation of a previous existing condition, loss of income, loss of investment, and loss of the ability to earn income. These damages are continuing or permanent in nature.

WHEREFORE, Plaintiff demands judgment for damages against Defendant THE CITY OF DEBARY, including costs of this litigation and such other relief as this Court may deem proper.

PLAINTIFF DEMANDS A TRIAL BY JURY OF ALL ISSUES TRIABLE.

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