

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

GREGORY ANGLIN,

Plaintiff,

vs.

CASE NO.:

CITY OF ORANGE CITY, FLORIDA
a political subdivision of the State of Florida,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR A JURY TRIAL

COMES NOW the Plaintiff, GREGORY ANGLIN (“Plaintiff”), by and through his undersigned counsel, and pursuant to the Florida Rules of Civil Procedure, sues Defendants, VOLUSIA COUNTY, FLORIDA, a political subdivision of the State of Florida, and CITY OF ORANGE CITY, FLORIDA, a political subdivision of the State of Florida (collectively “Defendants”), and in furtherance thereof alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. This is an action for damages in excess of Fifty Thousand Dollars and Zero Cents (\$50,000.00).
2. At all times material hereto, Plaintiff was a citizen and resident of Volusia County, Florida.
3. At all times material hereto, Defendant CITY OF ORANGE CITY, FLORIDA (“Orange City”), was a political subdivision of the State of Florida and was doing business in Orange City, located within Volusia County, Florida.
4. At all times material hereto, Defendant Orange City owned, operated, maintained

and managed the sidewalks located within and upon the City of Orange City, Florida.

5. The April 25, 2023 trip-and-fall event complained of herein occurred in Volusia County, Florida.

6. Accordingly, jurisdiction and venue are properly vested in this Honorable Court.

7. Plaintiff has complied with all conditions precedent to the filing of this lawsuit, including providing notice pursuant to Section 768.28, Florida Statutes, to Defendants as well as to the Florida Department of Financial Services.

BACKGROUND FACTS COMMON TO ALL COUNTS

8. On or about April 25, 2023, there existed a section of sidewalk near or around 686 North Carpenter Avenue, Orange City, Florida, where the sidewalk was misaligned (the “Subject Sidewalk Section”). More specifically, there was a place along the Subject Sidewalk Section where the adjoining ends of two individual sidewalk slabs were vertically uneven, such that the edge of one slab was tilted, angled, or otherwise elevated above the other.

9. At all times material hereto, this sidewalk misalignment constituted an unsafe and hazardous condition upon the sidewalk (the “Hazardous Condition”).

10. On or about April 25, 2023, Plaintiff was out for a walk on North Carpenter Avenue.

11. At all times material hereto, including on April 25, 2023, Plaintiff was unaware of the Hazardous Condition.

12. At that time and place, Plaintiff attempted to transit the Subject Sidewalk Section when the Hazardous Condition thereupon caused him to trip and fall, becoming injured (the “Subject Incident”).

13. At the time of the Subject Incident, there were no signs, tape, or other warnings upon or near the Subject Sidewalk Section to alert pedestrians of the Hazardous Condition.

COUNT I
Negligence of Defendant City of Orange City, Florida

14. Plaintiff re-alleges and re-asserts the allegations set forth in Paragraphs Nos. 1 through 16 above, as if fully set forth herein.

15. At all times material hereto, Orange City had a duty of care to keep and maintain the walking surfaces within its custody and under its control in a reasonably safe condition, including but not limited to the Subject Sidewalk Section where Plaintiff fell.

16. At all times material hereto, Orange City had a duty to warn Plaintiff of dangerous or hazardous conditions upon the sidewalk or other walking surfaces, that Orange City either knew about, or should have known about through the exercise of ordinary care.

17. At all times material hereto, Orange City had negligently and carelessly maintained the Subject Sidewalk Section by allowing an unsafe and hazardous condition to exist thereupon.

18. Upon information and belief, at all times material hereto, Orange City had actual knowledge of the Hazardous Condition.

19. Alternatively, upon information, at all times material hereto, Orange City should have known of the Hazardous Condition through the exercise of ordinary care.

20. Orange City breached its duty of care to Plaintiff by permitting the Hazardous Condition to exist upon the Subject Sidewalk Section.

21. Orange City also breached its duty to warn Plaintiff of the Hazardous Condition, when it either knew, or should have known through the exercise of ordinary care, of the existence of the Hazardous Condition and the danger it posed to pedestrians such as Plaintiff, as well as other members of the community.

22. Orange City was also negligent in the following respects:

- a. By failing to remedy the Hazardous Condition despite having had knowledge

(either actual or constructive) of said condition;

- b. By failing to inspect the Subject Sidewalk Section to ensure its safety;
- c. By failing to warn Plaintiff (and others) of the Hazardous Condition;
- d. By failing to maintain the Subject Sidewalk Section in a reasonable safe condition;

23. As a direct and proximate result of Orange City's negligence, Plaintiff was injured in and about his body and extremities, suffered pain therefrom, incurred medical expenses in the treatment of the injuries, suffered mental anguish, suffered physical handicap, suffered loss of earnings, suffered loss of earning capacity, has suffered loss of enjoyment of life, suffered aggravation of pre-existing conditions both known and unknown. These injuries are permanent and continuing in nature and Plaintiff will continue to suffer the losses and impairments in the future.

WHEREFORE, the Plaintiff, GREGORY ANGLIN, prays for judgment against Defendant, CITY OF ORANGE CITY, FLORIDA, for compensatory damages, including physical injuries and harm; past and future medical expenses; past and future physical and mental pain and suffering; permanent injuries/impairment to his body; and loss of enjoyment of life; the costs of this action, pre- and post- judgment interest, any relief a jury may award, and such further or additional relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

DATED this 21st day of April, 2025.

[SIGNATURE PAGE FOLLOWS]

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