

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

STEVEN SHINN,

Plaintiff,

vs.

CASE NO.:

CITY OF DELTONA,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, STEVEN SHINN, (hereinafter "Plaintiff"), under Florida Rules of Civil Procedure 1.110, and sues Defendant, CITY OF DELTONA (hereinafter "Defendant") as follows:

JURISDICTION, VENUE, PARTIES

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

2. At all times material to this action, Plaintiff, is a natural person residing in Volusia County.

3. At all times material to this action, Defendant, was an entity formed under the laws of the State of Florida, and the owner in possession and **in control** of that certain premises located at Dixie Belle Ave and Elkcam Blvd.

INCIDENT

4. On November 15, 2024, Plaintiff was lawfully on Defendant's premises. As Plaintiff was riding his bicycle near a retention pond when he encountered pumps obstructing the

sidewalk. While trying to avoid one, he struck another, causing him to flip over the handlebars and suffer injuries.

5. All conditions precedent to bringing this suit against Defendant has been satisfied in accordance with Fla. Stat. 768.28, including Notice pursuant to Florida Statutes 768.28.

COUNT 1 – PREMISES LIABILITY AGAINST DEFENDANT

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 5 above and further states:

6. At said time and place, Plaintiff was lawfully upon Defendant's premises..

7. Defendant owed Plaintiff a non-delegable duty to (1) maintain the premises in a reasonably safe condition; and (2) warn of any dangerous conditions about which it knew or should have known about. *See Florida Dept. of Natural Resources v. Garcia*, 753 So. 2d 72 (Fla. 2000).

8. Defendant, breached its non-delegable duty owed to Plaintiff by (1) negligently failing to maintain the premises in a reasonably safe condition by negligently failing to correct a dangerous condition about which the defendant either knew or should have known, by the use of reasonable care, and (2) negligently failing to warn the plaintiff of a dangerous condition about which the defendant had, or should have had knowledge greater than that of the plaintiff. *See Fla. Std. Jury Instr. (Civ.) 401.20(a)*

9. As a direct and proximate result of Defendant's negligence, Plaintiff suffered:

- a) Bodily and terminal injury including a permanent injury to her body as a whole.
- b) Pain and suffering of both a physical and mental nature.
- c) Disability, physical impairment, disfigurement, mental anguish, inconvenience.
- d) Loss of capacity for the enjoyment of life.
- e) Aggravation of an existing condition.
- f) Expense of hospitalization, medical and nursing care and treatment.

- g) Past lost wages, loss of earning power, diminished earning capacity.
- h) Loss of ability to lead and enjoy a normal life.
- i) Losses are permanent or continuing and Plaintiff will suffer in the future.

WHEREFORE Plaintiff demands judgment for damages against Defendant and trial by jury.

CERTIFICATE OF SERVICE

In accordance with Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1) and § 48.031(1)(a), Fla. Stat., we certify that a true copy of the foregoing has been filed via the Florida Courts E-Filing Portal today, which will send a Notice of Electronic Filing to all parties of record listed and will be furnished by Hand Delivery by an approved process server.



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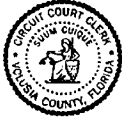
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CLERK OF THE CIRCUIT COURT

SEVENTH JUDICIAL CIRCUIT - VOLUSIA COUNTY
P.O. BOX 6043 DELAND, FLORIDA 32721-6043 - WWW.CLERK.ORG

Filing #: [REDACTED]

Filer: Michael Paul Patrick

Payment: \$410.00

- 1 Filing Fee: \$400.00
- 2 Summons Issuance: \$10.00
- 3 Complaints/Petitions Complaint: \$0.00
- 4 Complaints/Petitions Motion to Appt. Process Server: \$0.00
- 5 Complaints/Petitions Request that Summons be Issued: \$0.00
- 6 Complaints/Petitions Civil Cover Sheet: \$0.00

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