

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

CASE NO. 2023 31561 CICI

KEVIN WILLIAMS JR.,

Plaintiff,

v.

CITY OF DAYTONA BEACH,

Defendant,

COMPLAINT

Plaintiff, KEVIN WILLIAMS, JR., by and through the undersigned attorneys, sues the Defendants, CITY OF DAYTONA BEACH, and states as follows:

1. This is an action for damages that exceeds Fifty Thousand Dollars (\$50,000.00) exclusive of interest, costs and attorney's fees.
2. At all times material to this action, Plaintiff, KEVIN WILLIAMS, JR., is a natural person residing in Daytona Beach, Volusia County, Florida.
3. At all times material to this action, Defendant, CITY OF DAYTONA BEACH, is a governmental entity, authorized and conducting business in Volusia County, Florida.
4. All other conditions precedent to the bringing of this action have been performed, have occurred or have been waived.
5. Venue is proper in Volusia County because the alleged incident occurred in Volusia County.

6. The Plaintiff has complied with the statutory requirements as set forth in Florida Statutes § 768.28. See attached as Exhibit A.

FACTS COMMON TO ALL COUNTS

7. On or about February 26, 2023, Plaintiff, KEVIN WILLIAMS, JR., was operating a motor vehicle, stopped at or near Midway Ave, Volusia County, Florida.

8. At that time and place, Aurian Fletcher, was operating a motor vehicle owned by the Defendant, CITY OF DAYTONA BEACH at or near Midway Ave, Volusia County, Florida.

9. At that time and place, Aurian Fletcher, operated the subject motor vehicle with the full knowledge and the express authority, permission and consent of its owner, CITY OF DELAND.

10. At that time and place, Aurian Fletcher, was an agent servant and/or employee of Defendant, CITY OF DAYTONA BEACH, and was working in the course and scope of such agency relationship at the time of the collision.

11. At that time and place, Defendant, CITY OF DAYTONA BEACH, owed a duty of care to others including Plaintiff, KEVIN WILLIAMS, JR., to ensure that its motor vehicle was being operated in a safe and careful manner.

12. At that time and place, Defendant, Aurian Fletcher negligently and carelessly operated and/or maintained his vehicle so as to collide with the motor vehicle driven by Plaintiff, KEVIN WILLIAMS, JR.

13. As a result of the collision caused by the negligence of Defendant, Aurian Fletcher, Plaintiff, KEVIN WILLIAMS, JR., sustained serious and permanent injuries.

14. Defendant, CITY OF DAYTONA BEACH, is vicariously liable for the negligence of Conor Newton due to the fact that he/she was operating the subject motor vehicle while in the course and scope of his/her employment with the Defendant.

15. As a direct and proximate cause of Defendant, CITY OF DAYTONA BEACH's negligence, Plaintiff, KEVIN WILLIAMS, JR., suffered or incurred injuries included, without limitation, the following:

- A. Significant and permanent loss of an important bodily function and/or permanent and significant scarring.
- B. Permanent injury within a reasonable degree of medical probability other than scarring or disfigurement;
- C. Aggravation or activation of an existing disease or physical defect;
- D. Pain, suffering, disability, physical impairment, mental anguish, inconvenience, and a loss of capacity for the enjoyment of life;
- E. Expenses of medical care and treatment in the past and in the future;
- F. Loss of wages and/or loss of earning capacity in the future; and
- G. All losses are continuing and/or permanent.

16. Plaintiff, KEVIN WILLIAMS, JR., will suffer or incur the injuries, expenses and impairment in the future.

17. As a direct and proximate cause of Defendant, CITY OF DAYTONA BEACH's, negligence, Plaintiff, sustained damage to his vehicle, repair costs, loss of his vehicle's use, and loss of his vehicle's value.

WHEREFORE, Plaintiff, KEVIN WILLIAMS, JR., demands judgment for damages against Defendant, CITY OF DAYTONA BEACH, for personal injury including the losses enumerated herein, costs, interest and for other such relief as may be just and equitable and otherwise deemed proper by the Court.

DEMAND FOR JURY TRIAL

Plaintiffs, KEVIN WILLIAMS, JR., demands a jury trial on all issues so triable of each and every one of the Counts set forth above.

RESPECTFULLY submitted this DATED this 24th day of October, 2025.

s/ Heidi J. Livingston, Esquire

Heidi J. Livingston, Esquire

Florida Bar No.: 0132160

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