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

CASE NO:

KATHERINE STEWART,

Plaintiff,

v.

CITY OF DELAND

Defendant.

_____/

COMPLAINT

Plaintiff, KATHERINE STEWART, by and through his undersigned attorneys, sues the Defendant, CITY OF DELAND 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, KATHERINE STEWART, was a natural person residing in Deland, Florida.

3) At all times material to this action, Defendant, CITY OF DELAND was the owner and responsible for maintaining Orchard Hill Street in the city of Deland, Volusia County, Florida.

4) On or about October 8, 2025, the Plaintiff was walking on Orchard Hill Street, CITY OF DELAND, Volusia County, Florida as an invitee, when she encountered an uneven sidewalk and fell.

5) On or about October 8, 2025, the Plaintiff sustained significant and permanent injuries due to the negligence of the Defendant's agents and/or employees.

6) Defendant had a non-delegable duty to maintain Orchard Hill Street, City of DELAND, Volusia County, Florida as an invitee in a reasonably safe condition for invitees, including Plaintiff herein.

COUNT I – CLAIM OF PLAINTIFF, KATHERINE STEWART AGAINST CITY OF DELAND SPECIAL EFFECTS, INC.

7) Plaintiff, KATHERINE STEWART adopts and realleges Paragraphs 1 through 6 as fully set forth herein.

8) On October 8, 2025, Defendant, CITY OF DELAND was in possession and control and responsible for the maintenance of Orchard Hill Street, City of DELAND, VOLUSIA County, Florida. Said street was open to the general public, including the Plaintiff herein.

9) CITY OF DELAND had a duty to maintain its roads and streets in a reasonably safe manner and to ensure that the invitees, such as the Plaintiff were not injured.

10) On or about October 8, 2025, Plaintiff was lawfully walking on Orchard Hill Street, City of Deland, Volusia County, Florida when she tripped and fell on a raised and uneven sidewalk, which caused her to fall to the ground.

11) At said time and place, Defendant, CITY OF DELAND breached its duty owed to Plaintiff by committing one or more of the following omissions or commissions:

a) Negligently failing to maintain or adequately ensure the safety of its invitees, thus creating an unreasonably dangerous condition for the Plaintiff;

b) Negligently failing to make needed repairs to the sidewalk at issue, thus creating an unreasonably dangerous condition for the Plaintiff;

c) Negligently failing to inspect or adequately warn the Plaintiff of the danger of the sidewalk, when Defendant knew, or through the exercise of reasonable care should have known, that said area was unreasonably dangerous and that Plaintiff was unaware of same;

d) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the subject area with no markings on Defendant's premises, when said condition was either known to Defendant, or had existed for a sufficient length of time, such that Defendant should have known of same had Defendant exercised reasonable care.

e) Negligently failing to act reasonably under the circumstances;

f) Negligently engaging in a routine or regular practice of business that was not the reasonable custom of the community;

17) The specific manner in which Plaintiff was injured was foreseeable to the Defendant and its agents and employees, and they knew or should have known of the specific risks of harm to Plaintiff as a result of Defendant's negligence.

18) As a direct and proximate result of the negligence of Defendant, CITY OF DELAND, Plaintiff suffered bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and psychological treatment. These losses are either permanent or continuing, and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, KATHERINE STEWART sues Defendant, CITY OF DELAND for damages and demands judgment in excess of Fifty Thousand Dollars ($50,000.00), plus interest and costs, and demands trial by jury by all issues so triable.

DEMAND FOR JURY TRIAL

Plaintiff, KATHERINE STEWART, demands a jury trial on all issues so triable of each and every one of the Counts set forth above.

RESPECTFULLY submitted this 2d day of April 2026.

DAVID EVELEV, ESQ.
Florida Bar No. 0869170
DAN NEWLIN INJURY ATTORNEYS
7335 W. Sand Lake Road, Suite 300
086170Orlando, FL 32819
Direct: (407) 987-3452
Fax: (448) 205-2090
David.Evelev@newlinlaw.com
Evelev.pleadings@newlinlaw.com
Attorney for Plaintiff