

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

MARK A. CISNEROS,

CASE NO.:

Plaintiff,

vs.

CITY OF DAYTONA BEACH, and
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, MARK A. CISNEROS, by and through undersigned counsel, sues the Defendants, CITY OF DAYTONA BEACH (hereinafter referred to as "CITY"), and STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY (hereinafter referred to as "STATE FARM"), and alleges as follows:

1. This is an action for damages in excess of Fifty Thousand (\$50,000.00) Dollars.
2. At all times material hereto, the Plaintiff, MARK A. CISNEROS, was and is a resident of the state of Georgia and is *sui juris*.
3. At all times material hereto, the Defendant, CITY, was and is a Florida municipality located in Volusia County, Florida, and owned, possessed, maintained, and/or controlled the motor vehicle involved in the subject collision.
4. At all times material hereto, the Defendant, STATE FARM, was and is a Foreign Profit Corporation authorized to do and doing business in the State of Florida.
5. That venue is proper in Volusia County, Florida.

COUNT I – NEGLIGENCE AGAINST THE CITY OF DAYTONA BEACH

Plaintiff, MARK A. CISNEROS, re-adopts and re-alleges paragraphs one (1) through five (5) as if fully set forth herein, and further alleges as follows:

6. At all times material hereto, the Defendant, CITY, owned, possessed, maintained, and/or controlled the motor vehicle involved in the subject collision.

7. At all times material hereto, the motor vehicle was being operated by an employee and/or agent of the CITY, within the course and scope of his/her employment.

8. On or about April 29, 2025, in Volusia County, Florida, the CITY, through its employee acting within the course and scope of his/her employment, negligently operated and/or maintained the motor vehicle, including but not limited to:

- a. operating the vehicle at an excessive and/or unsafe rate of speed;
- b. failing to maintain a safe following distance;
- c. failing to keep a proper lookout;
- d. failing to stop in time to avoid the collision; and,
- e. failing to properly maintain the vehicle's braking system, which failed to function properly.

9. As a direct and proximate result of the negligence of the CITY, through its employee and/or agent, and the CITY's failure to properly maintain the vehicle, the motor vehicle rear-ended the vehicle being driven by Plaintiff, MARK A. CISNEROS.

10. As a direct and proximate result of the foregoing negligence, Plaintiff, MARK A. CISNEROS, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or

continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, MARK A. CISNEROS, demands judgment against the Defendant, CITY, for compensatory damages, interest, costs, and any other relief that this court deems just and proper, and further demand trial by jury.

COUNT II – UNINSURED/UNDERINSURED MOTORIST

Plaintiff, MARK A. CISNEROS, re-adopts and re-alleges paragraphs one (1) through five (5) as if fully set forth herein, and further alleges as follows:

11. At all times material hereto, the Defendant, STATE FARM, issued a policy of insurance to and for the benefit of Plaintiff, MARK A. CISNEROS, with uninsured/underinsured motorist coverage, and said coverage insures to the benefit of the Plaintiff, MARK A. CISNEROS.

12. Policy No. [REDACTED] 11-11D provided non-stackable uninsured/underinsured motorist coverage in the amount of Fifty Thousand Dollars to Plaintiff, MARK A. CISNEROS.

13. That on or about April 29, 2025, MARK A. CISNEROS was operating his motor vehicle, a 2025 GMC; Georgia license plate number ZAI882, on or near the intersection of Mason Avenue and White Street, in Daytona Beach, Volusia County, Florida.

14. On or about April 29, 2025, in Volusia County, Florida, the CITY, through its employee acting within the course and scope of his/her employment, negligently operated and/or maintained the motor vehicle, including but not limited to the following, causing the vehicle to rear-end the vehicle being driven by Plaintiff, MARK A. CISNEROS:

- 15. operating the vehicle at an excessive and/or unsafe rate of speed;
- 16. failing to maintain a safe following distance;
- 17. failing to keep a proper lookout;
- 18. failing to stop in time to avoid the collision; and,

19. failing to properly maintain the vehicle's braking system, which failed to function properly.

20. As a direct and proximate result of the foregoing negligence, Plaintiff, MARK A. CISNEROS, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

21. That on or about April 29, 2025, Plaintiff, MARK A. CISNEROS, notified the Defendant, STATE FARM, of a formal claim being made under the uninsured motorist coverage under the terms of the contract or contracts of insurance between STATE FARM and Plaintiff, MARK A. CISNEROS. Further, Plaintiff has performed all conditions precedent to the bringing of this action.

WHEREFORE, Plaintiff, MARK A. CISNEROS, demands judgment against the Defendant, STATE FARM, for compensatory damages, interest, costs, and any other relief that this court deems just and proper, and further demand trial by jury.

Dated: April 6, 2026.

Respectfully submitted,

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