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

CASE NO.:

CHRISTINA ZAGOYA,

Plaintiff,

vs.

CITY OF DAYTONA BEACH,
a municipality of the State of Florida,

Defendant.
_____/

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, CHRISTINA ZAGOYA, by and through undersigned counsel, sues the Defendant, CITY OF DAYTONA BEACH, a municipality of the State of Florida, and alleges the following:

GENERAL ALLEGATIONS

1. This is an action in excess of FIFTY THOUSAND ($50,000.00) DOLLARS exclusive of interest and costs.

2. That the Plaintiff CHRISTINA ZAGOYA, was and is a resident of Volusia County, Florida, and is otherwise sui juris.

3. That upon information and belief, the Defendant, CITY OF DAYTONA BEACH, was and is a municipality of the State of Florida.

4. That on or about July 31, 2025, the Plaintiff, CHRISTINA ZAGOYA, presented a claim in writing by certified/return receipt mail to the Defendant, CITY OF DAYTONA BEACH, pursuant to Florida Statute 768.28(6). A copy of the Notice letter is attached hereto as Exhibit "A".

COUNT I

5. That on or about July 4, 2025, Plaintiff, CHRISTINA ZAGOYA, was lawfully crossing State Road 430 at or near its intersection with Heinemann Street, Daytona Beach, Florida.

6. That Plaintiff exercised reasonable care for her own safety while crossing State Road 430, Daytona Beach, Florida.

7. That on or about July 4, 2025, James Maher was operating an unmarked city police patrol vehicle owned by Defendant, CITY OF DAYTONA BEACH, at or near State Road 430 (Mason Avenue), and Heinemann Street, Daytona Beach, Florida.

8. That at that time and place, Jame Maher, negligently operated or maintained the motor vehicle so that it collided with Plaintiff who was crossing State Road 430, Daytona Beach, Florida.

9. That as a result of Defendant's negligence, Plaintiff, CHRISTINA ZAGOYA, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, 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, the Plaintiff, CHRISTINA ZAGOYA, demands judgment against the Defendant, CITY OF DAYTONA BEACH, for damages in excess of $50,000.00, plus costs incurred herein. The Plaintiff further demands trial by jury of all issues so triable as of right.

COUNT II –VICARIOUS LIABILITY AGAINST CITY

10. Plaintiff realleges each and every allegation contained in paragraphs one (1) through nine (9) above as if fully set forth herein.

11. At all times material hereto, James Maher owed a duty to the Plaintiff to operate and/or maintain the patrol vehicle in a reasonable and safe manner.

12. At all times material hereto, James Maher breached that duty by negligently operating the patrol vehicle and striking the Plaintiff.

13. At all times material hereto, Defendant, CITY OF DAYTON BEACH, is vicariously liable for the negligent acts and omissions of James Maher.

14. That as a result of the negligence of James Maher, Plaintiff, CHRISTINA ZAGOYA, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, 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, the Plaintiff, CHRISTINA ZAGOYA, demands judgment against the Defendant, CITY OF DAYTONA BEACH, for damages in excess of $50,000.00, plus costs incurred herein. The Plaintiff further demands trial by jury of all issues so triable as of right.

DATED this 23rd day of July 2026.

BOONE & DAVIS, P.A.
Counsel for Plaintiff
2311 North Andrews Avenue
Fort Lauderdale, Florida 33311
(954) 566-9919
pleadings@boonedavis.com
kristen@boonedavis.com
By: */s/ Michael Davis*
MICHAEL S. DAVIS, ESQUIRE
FBN: 330094

David W. Boone*
Michael S. Davis
[redacted]

Boone & Davis
ATTORNEYS AT LAW

Of Counsel
Charles Flaxman

July 31, 2025

City of Daytona Beach
Mayor Derrick Henry
301 S. Ridgewood Ave.
Daytona Beach, FL 32114

RE:	Our Client:	Christina Zagoya
	Date of Incident:	July 4, 2025
	Owner:	City of Daytona Beach Fleet Management
	Driver:	James R Maher

Dear Mayor Henry:

Please be advised that our client Christina Zagoya makes a claim for damages against City of Daytona Beach sustained on July 4, 2025. Said damages are claimed as a result of an auto accident when my client was a pedestrian struck by a car owned by City of Daytona Beach.

My client's social security number is [redacted] date of birth is February 25, 1991, and place of birth is Bronx, New York. My client has no prior adjudicated unpaid claims in excess of $200.00. The tribunal to handle this claim will be the Circuit Court in and for Volusia County, Florida.

The accident was a direct and proximate result of the negligence of City of Fort Lauderdale Fleet Services through its employees and/or agents, and said negligence caused or contributed to the incident resulting in injuries to my client.

My client has incurred extensive medical expenses including, but not limited to, hospital bills, doctor's bills, including subsequent treatment by certain physicians. We hereby demand compensation for our client's injuries.

Please acknowledge receipt of this letter and advise this office of your claim number and the individual in charge of this claim.

This letter is sent to your office pursuant to the requirements of Florida Statute Section §768.28.

Please note that our client is not married.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,

BOONE & DAVIS, P.A.

Michael S. Davis, Esq.
MSD/kk
CERTIFIED MAIL, RETURN RECEIPT REQUESTED: 7017 3380 0001 1354 2551

2311 North Andrews Avenue • Ft. Lauderdale, Florida 33311
Tel: 954.566.9919 Fax: 954.566.2680
www.boonedavis.com

EXHIBIT
tabbies
A

cc: Department of Financial Services
Division of Risk Management
200 East Gaines Street
Tallahassee, FL 32399
CERTIFIED MAIL/RETURN RECEIPT REQUESTED: 7017 3380 0001 1354 2575

cc: Benjamin Gross
Daytona Beach City Attorney
301 S. Ridgewood Avenue
Daytona Beach, FL 32114
CERTIFIED MAIL/RETURN RECEIPT REQUESTED: 7017 3380 0001 1354 2568

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Monnik McLeod ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Monnik McLeod

C. Date of Delivery

ldress different from item 1? ☐ Yes
delivery address below: ☐ No

City of Daytona Beach
Mayor Derrick Henry
301 S. Ridgewood Ave.
Daytona Beach, FL 32114

RECEIVED
AUG 06 2025
City Manager's Office

9590 9402 8007 2305 4836 84

2. Article Number *(Transfer from service label)*

7017 3380 0001 1354 2551

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ail Restricted Delivery
-))
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☑ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

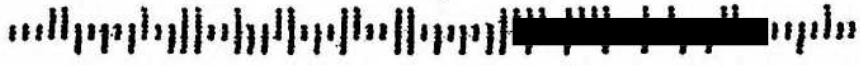
PS Form 3811, July 2020 PSN [redacted] Domestic Return Receipt

USPS TRACKING #

9590 9402 8007 2305 4836 84

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

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Fort Lauderdale, FL 33311