

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

CASE NO:

VICTORIA MITCHELL,

Plaintiff,

vs.

CITY OF DELAND,

Defendant.

_____ /

COMPLAINT

Plaintiff, VICTORIA MITCHELL, sues Defendant, CITY OF DELAND, and alleges:

1. This is an action for damages that exceeds the sum of FIFTY THOUSAND DOLLARS (\$50,000.00), exclusive of costs, interest and attorneys' fees (The estimated value of Plaintiff's claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff has entered "\$50,001" in the civil cover sheet for the "estimated amount of the claim" as required in the preamble to the civil cover sheet for jurisdictional purposes only (the Florida Supreme Court has ordered that the estimated "amount of claim" be set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff's claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

2. The Seventh Judicial Circuit has venue pursuant to Florida Statutes, § 47.011 because the cause of action occurred in Volusia County, Florida.

3. At all times material hereto, Plaintiff was a resident of Volusia County, Florida.

4. At all times material hereto, Defendant was and is a political subdivision of the State of Florida.

5. All conditions precedent have been performed pursuant to Florida Statutes 768.28(6). Defendant was notified on or about January 14, 2026. Defendant has denied the claim.

6. At all times material hereto, Defendant was the owner and in possession of the common sidewalk abutting 245 W Stetson Ave, DeLand, 32720 in Volusia County, Florida, which was open to the general public, including the Plaintiff herein.

7. On or about December 18, 2025, Plaintiff was walking the subject sidewalk described above as a business invitee and tripped and fell due to broken, crumbling, raised, and hidden concrete, causing her to fall and suffer injuries.

8. At said time and place, 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.

9. 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 Plaintiff of a dangerous condition about which the Defendant had or should have had knowledge greater than that of Plaintiff.

10. As a direct and proximate result of Defendant's negligence, Plaintiff suffered bodily injury including a permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, aggravation of a pre-existing condition, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and loss of ability to lead and enjoy a normal life. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff demands judgment for damages against the Defendant and other such relief deemed proper by the Court. Plaintiff also demands a trial by jury of all issues triable as of right by a jury.

RESPECTFULLY submitted this 17th day of August, 2026.

s/Steven E. Hermosa

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