

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

CASE NO.:
DIVISION:

CAROLYN JENSEN,

Plaintiff,

-VS-

CITY OF PORT ORANGE,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, CAROLYN JENSEN, by and through undersigned counsel, file this Complaint against the Defendant, CITY OF PORT ORANGE, and allege as follows:

1. This is an action for damages in excess of \$50,000.00, exclusive of attorneys' fees, interest and costs, and Plaintiff hereby demands a trial by jury; accordingly, although, to file this amended complaint, undersigned counsel is being required by order of the Supreme Court of Florida to contemporaneously complete a civil cover sheet with a dollar figure as an estimated amount of claim for data collection and clerical processing purposes only, the full monetary value of the damages suffered by Plaintiff is yet to be determined and will be decided in a verdict by the jury that judges the facts of this action in compliance with Article I, Section 22, Florida Constitution.

2. Plaintiff is subjecting themselves to the jurisdiction of this Court.

3. That at all times material hereto, Defendant, CITY OF PORT ORANGE, was and remains a municipality located in Volusia County, Florida.

4. All conditions precedent to the institution of this action, including service of the appropriate notice of claim, have been met pursuant to Florida Statute, section 768.28(6). Attached as **EXHIBIT "A"**.

5. The incident giving rise to this action occurred on February 16th, 2024 on the sidewalk at the intersection of Sterling Chase Drive & Pheasant Ridge Drive in Sterling Chase subdivision Volusia County, Florida.

6. At that time and place, Plaintiff, CAROLYN JENSEN, tripped and fell on an uneven/unmaintained portion of the sidewalk and suffered serious bodily injury.



7. Venue is appropriate in Volusia County, Florida as the Defendant reside therein, and the incident occurred therein.

COUNT I
NEGLIGENCE OF DEFENDANT
CITY OF PORT ORANGE

Plaintiff, CAROLYN JENSEN, adopts by reference all allegations contained in paragraphs 1 through 7, as set forth pursuant to Rule 1.130(b), Rules of Civil Procedure, and further alleges:

8. That on February 16th, 2024, Defendant, CITY OF PORT ORANGE owned, managed, and was in control of the sidewalk at the intersection of Sterling Chase Drive & Pheasant Ridge Drive in Sterling Chase subdivision in Volusia County, Florida.

9. At all times material hereto, the Defendant, CITY OF PORT ORANGE, as owner and/or possessor of the sidewalk, had a duty to keep the premises, in a reasonably safe condition for the Plaintiff, and further, not to create or allow any dangerous conditions to exist on or about the sidewalk.

10. At all times material hereto, the Defendant, CITY OF PORT ORANGE, breached the above duty in one or more of the following ways:

- a. Failed to provide a safe and proper premise for the Plaintiff to use, occupy, and walk on while on the subject sidewalk;
- b. Allowed and permitted the subject sidewalk to become and remain a dangerous condition;
- c. Failed to inspect the premise to be certain that they maintained a safe and proper sidewalk;
- d. Failed to warn the Plaintiff of the unsafe, defective, and dangerous condition of the subject sidewalk;
- e. Failed to safeguard the Plaintiff of the unsafe, defective and dangerous condition while on the subject sidewalk, and

f. Failed to warn of obstacles of the subject sidewalk.

11. That on February 16th, 2024, Defendant failed to warn Plaintiff.

12. The negligent condition was known to Defendant or had existed for sufficient length of time so that Defendant should have known about it.

13. As a direct and proximate result of the aforesaid negligence, Plaintiff, 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. Plaintiff has sustained permanent injuries within a reasonable degree of medical probability.

WHEREFORE, CAROLYN JENSEN, demands judgment for damages and costs against Defendant, CITY OF PORT ORANGE, and a trial by jury of all issues herein.

Dated this 24th day of March 2025.

[CERTIFICATE OF SERVICE ON FOLLOWING PAGE]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing will be furnished to Defendant through process server.

FARAH & FARAH, P.A.

/s/. John Marcus

John Marcus, Esq.

Fl Bar No: 105357

10 West Adams Street

Jacksonville, FL 32202

(904) 789-7369

Attorney for Plaintiff

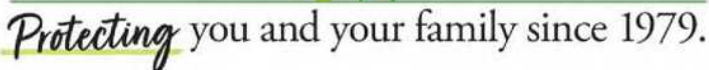
Email Designation:

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jprice@farahandfarah.com

EXHIBIT “A”



September 2, 2024

Florida Department of Financial Services **9589 0710 5270 0468 1562 47**
200 East Gaines Street
Tallahassee, FL 32399-0300

Office of the General Counsel, City of Port Orange 9589 0710 5270 0468 1562 54
1000 City Center Circle
Port Orange, FL 32129

The Honorable Donald O. Burnette, Mayor of Port Orange **9589 0710 5270 0468 1562 61**
1000 City Center Circle
Port Orange, FL 32129

City of Port Orange Risk Management **9589 0710 5270 0468 1562 78**
1000 City Center Circle
Port Orange, FL 32129

RE: Claimant(s): Carolyn Jensen
Agency: City of Port Orange
Date of Incident: February 16, 2024
Our File Number: [REDACTED]

To Whom it May Concern:

Pursuant to Florida Statute §768.28, the above-referenced claimant(s) hereby give notice of their intent to pursue a claim for damages against Florida Department of Financial Services, Office of General Counsel, Mayor of Port Orange, City of Port Orange. Our firm represents the above-referenced claimant(s) and any correspondence relating to this claim should be directed to our attention. The following is the specific information requested by the statute:

Claimant(s) Information: Carolyn Jensen
782 Sterling Chase Dr
Port Orange, FL 32128
SSN: [REDACTED]
DOB: 03/27/1962
POB: Buffalo, New York

Prior Claims: There exists no prior adjudicated unpaid claim in excess of \$200.00.

Date/Time/Place of Incident: February 16, 2024/12:00AM/Sterling Chase neighborhood on Sterling Chase Drive at the intersection of Pheasant Ridge Drive

10 WEST ADAMS STREET - JACKSONVILLE, FLORIDA 32202
P: 800.500.5555 - F: 904.358.2424



Description of the Incident:	Ms. Jensen tripped over an elevated crack in the sidewalk of her neighborhood.
Description of Injuries:	Fractured right humerus, lumbar herniations
Agency/agents involved:	City of Port Orange Risk Management
Relief sought:	Ms. Jensen seeks compensation for pain and suffering, disability, disfigurement, permanent impairment, mental anguish, loss of capacity for enjoyment of life, loss of earnings, loss of ability to earn money, and expense of hospitalization, medical and nursing care and treatment.

Pursuant to Florida Statute §768.28(6) (d), further information requested by Florida Statute §768.28 (6) (c) will be provided prior to settlement payment, close of discovery or commencement of trial, whichever is sooner.

If additional information is requested or if this notice is legally defective in any way, please contact me immediately.

Sincerely,

A handwritten signature in black ink, appearing to read 'Savannah Cooley', with a stylized, flowing script.

Savannah Cooley, Esq.
Attorney at Law