

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

JASON ROBERT BOSKEY, an individual,

Plaintiff,

CASE NO.:
DIVISION:

vs.

COUNTY OF VOLUSIA, a
Municipality, and VOLUSIA COUNTY
SHERIFF'S OFFICE, a Governmental Entity
operating under the laws of the State of Florida,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, JASON ROBERT BOSKEY, an individual, by and through his undersigned counsel and hereby sues Defendants, COUNTY OF VOLUSIA, a Municipality, and VOLUSIA COUNTY SHERIFF'S OFFICE, a Governmental Entity operating under the laws of the State of Florida, and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of fifty thousand one dollars (\$50,001.00) exclusive of interest, attorneys' fees, and costs (the estimated value of Plaintiff's claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff entered "\$50,001.00" on 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. Venue is proper in Volusia County, Florida, as that is where the crash giving rise to the action occurred.

3. At all times material to this cause, Plaintiff, JASON ROBERT BOSKEY, was and is a resident of Fort Pierce, St. Lucie County, Florida and is otherwise sui juris.

4. At all times material, Defendant, COUNTY OF VOLUSIA, was and is a Municipality within the State of Florida with Offices in Volusia County.

5. At all times material, Defendant VOLUSIA COUNTY SHERIFF'S OFFICE, was and is a Florida Government Agency doing business in the State of Florida with offices in Volusia County.

6. The motor vehicle collision forms the basis of this action occurred in Unincorporated, Volusia County, Florida.

7. On or about November 4, 2022, Plaintiff, JASON ROBERT BOSKEY operated a 2005 Ford 150 motor vehicle traveling east on US 92 in the inside lane at or near Interstate 4 entrance ramp in Unincorporated, Volusia County, Florida.

8. At all times material hereto, proper notice was given to Defendants as required by Florida Statutes §768.28(6) on November 17, 2022, attached as Exhibit A.

9. On or about November 4, 2022, the at-fault driver, PAUL JAMES DIROCCO, employee of the Volusia County Sheriff's Office, operated a 2021 Ford Transit motor vehicle, owned by Defendants, COUNTY OF VOLUSIA and VOLUSIA COUNTY SHERRIFF'S OFFICE traveling east on US 92 in the outside lane at or near Interstate 4 entrance ramp in Unincorporated, Volusia County, Florida.

10. At the above-described time and place, the at fault driver PAUL JAMES DIROCCO, operated said vehicle within the course and scope of his employment as an evidence

technician with the Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE, and with the implied, expressed, or written permission of its owner Defendants COUNTY OF VOLUSIA and VOLUSIA COUNTY SHERIFF'S OFFICE.

COUNT I – NEGLIGENCE

11. Plaintiff re-alleges and incorporates by reference the allegations of Paragraph One (1) through ten (10) and state further:

12. At that time and place, the at-fault driver, PAUL JAMES DIROCCO, negligently operated and/or maintained his motor vehicle, was inattentive, and failed to observe the traffic around him making an improper lane change into the direct path of the Plaintiff, JASON ROBERT BOSKEY causing the Plaintiff to take invasive action to avoid a collision and in doing so travelled off the roadway onto the grass and overturning his vehicle.

13. At all times hereto, Plaintiff was driving within the speed limit, properly restrained in his seat, keeping a proper look out and acted in a safe, prudent and reasonable manner. Accordingly, Plaintiff did not contribute in any way to causing the crash, or his resulting injuries and damages.

14. As a direct and proximate result of the motor vehicle accident, Plaintiff, JASON ROBERT BOSKEY, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of earning, loss of ability to earn money and aggravation of a previously existing condition. The losses are permanent and continuing and include, but are not limited to, one or more of the following: (A) significant and permanent loss of an important bodily function; (B) permanent injury within a reasonable degree of medical probability, other than scarring and disfigurement; (C) significant and permanent

scarring and disfigurement. The Plaintiff, JASON ROBERT BOSKEY, has incurred these losses in the past and will suffer the losses in the future.

WHEREFORE, Plaintiff, JASON ROBERT BOSKEY, demands judgment against Defendants, COUNTY OF VOLUSIA and VOLUSIA COUNTY SHERIFF'S OFFICE, in excess of fifty thousand one dollars (\$50,001.00), exclusive of interest, attorney's fees, and costs, and further demands a trial by jury.

DATED this 26th day of January, 2024.

RUE & ZIFFRA, P.A.

/s/ Alfred Washington, Jr.

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