

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

**KEIVAN KAMALY, AS PERSONAL CASE NO:
REPRESENTATIVE OF THE
ESTATE OF SHAOLAN KAMALY,
DECEASED,**

Plaintiff,

vs.

**CITY OF PORT ORANGE AND THE
SCHOOL BOARD OF VOLUSIA
COUNTY, FLORIDA,**

Defendant.

COMPLAINT

Plaintiff, KEIVAN KAMALY, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SHAOLAN KAMALY, DECEASED, by and through the undersigned counsel, hereby sues Defendant, CITY OF PORT ORANGE AND THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA, pursuant to the Florida Wrongful Death Act, Florida Statutes §768.16 – §768.26 and alleges:

GENERAL ALLEGATIONS APPLICABLE TO ALL COUNTS

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. This action is being brought pursuant to Florida Statute §768.16, et seq, the Florida Wrongful Death Act.

3. That at all times material hereto, the Decedent, SHAOLAN KAMALY, was a resident of Volusia County, Florida.

4. Plaintiff, KEIVAN KAMALY, is the duly appointed Personal Representative of the Estate of SHAOLAN KAMALY.

5. The Decedent, SHAOLAN KAMALY, was an unmarried minor.

6. The statutory survivor of SHAOLAN KAMALY is the father and Personal Representative, KEIVAN KAMALY.

7. At all times material hereto, Defendant, CITY OF PORT ORANGE, was and is a subdivision of the State of Florida

8. At all times material to this action, Defendant, THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA, is now, and at all times herein mentioned, was a municipality duly licensed and authorized to govern under the laws of the State of Florida.

9. At all times material hereto, the Decedent, Shaolan Kamaly, a minor child, was lawfully riding her bicycle to school in the designated school zone adjacent to and near school property located in 1101 Charles Street, Port Orange, Volusia County, Florida.

10. At all times material hereto, Defendant CITY OF PORT ORANGE owned, controlled, operated, maintained, supervised, inspected, and/or was otherwise responsible for the roadway, traffic control devices, signage, foliage, right-of-way, and traffic safety conditions existing at and near the subject intersection and school zone.

11. At all times material hereto, Defendant THE SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA owned, operated, controlled, maintained, supervised, and/or was otherwise responsible for the school premises, student ingress and egress procedures, school drop-off and pick-up traffic patterns, school-zone safety operations, and related pedestrian safety measures at the subject location.

12. At all times material hereto, students regularly traversed the subject roadway by foot and bicycle immediately before and after school hours.

13. At all times material hereto, vehicular traffic exiting the school drop-off area and surrounding roadway was heavy, congested, hurried, and foreseeable during school arrival and dismissal periods.

14. Prior to the subject incident, Defendants knew or should have known that the subject location constituted a dangerous condition for school children crossing the roadway due to, among other things:

- a. obstructed sight lines;
- b. excessive vehicular traffic associated with school drop-off and pick-up activities;
- c. inadequate traffic-calming measures;
- d. inadequate pedestrian protection measures;
- e. inadequate supervision and traffic control during student ingress and egress; and
- f. prior substantially similar incidents occurring at or near the same location.

15. Approximately one year prior to the subject incident, another child pedestrian/bicyclist was struck by a vehicle at or near the same location and sustained serious bodily injury, including a broken leg.

16. Despite actual and/or constructive notice of the dangerous condition, Defendants failed to take reasonable operational measures to correct, warn of, guard against, or otherwise protect school children from the known hazard.

17. The dangerous condition at the subject location was not open and obvious to children using the area for school access and constituted a concealed trap and hidden danger for pedestrians and bicyclists lawfully traversing the school zone.

18. Defendant's created and/or maintained a foreseeable zone of risk to children entering and leaving school property.

**COUNT I
NEGLIGENCE AGAINST CITY OF PORT ORANGE**

Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 through 18 as if fully set forth herein.

19. Defendant, CITY OF PORT ORANGE owed a duty to maintain the roadway, traffic control devices, right-of-way, foliage, and school-zone area in a reasonably safe operational condition.

20. Defendant, CITY OF PORT ORANGE owed a duty to exercise reasonable care in the operational maintenance of the subject area so as not to create or permit a hidden dangerous condition or trap.

21. Defendant, CITY OF PORT ORANGE further owed a duty to warn foreseeable users, including minor school children, of known concealed hazards not readily apparent to persons exposed to the danger.

22. The negligent acts and omissions of Defendant included, but were not limited to:

a. negligently failing to maintain foliage, trees, shrubs, and vegetation so as to preserve adequate visibility for motorists and child pedestrians;

- b. negligently permitting visual obstructions to exist within the roadway right-of-way and/or school-zone area;
- c. negligently failing to warn pedestrians, bicyclists, and motorists of the concealed dangerous condition;
- d. negligently failing to implement operational traffic-calming measures after receiving notice of prior substantially similar incidents;
- e. negligently failing to maintain safe sight distances at the subject intersection and crossing area;
- f. negligently creating and/or maintaining a dangerous condition constituting a trap for child pedestrians and bicyclists;
- g. negligently failing to correct known operational hazards despite actual or constructive notice thereof;
- h. negligently failing to monitor and manage school-zone traffic conditions during known periods of heavy student pedestrian activity; and
- i. negligently failing to maintain the area in compliance with applicable safety standards, customs, policies, traffic engineering practices, and operational safety procedures.

23. The foregoing acts and omissions constituted operational-level negligence for which sovereign immunity has been waived pursuant to section 768.28, Florida Statutes.

24. The dangerous condition was known to Defendant or had existed for a sufficient period of time that Defendant, in the exercise of reasonable care, should have discovered and corrected the condition or warned foreseeable users thereof.

25. As a direct and proximate result of Defendant's negligence, the minor child was struck by a motor vehicle and suffered fatal injuries.

26. Plaintiff has complied with all conditions precedent to maintaining this action, including the presuit notice requirements of section 768.28, Florida Statutes, or such conditions have otherwise occurred, been waived, or been satisfied.

27. As a direct and proximate result of the aforesaid actions of Defendant CITY OF PORT ORANGE, and the resulting death of the Decedent SHAOLAN KAMALY, KEIVAN KAMALY as Personal Representative of the Estate of SHAOLAN KAMALY makes a claim for medical and funeral expenses due to the deceased's injuries and subsequent death and for loss of net accumulations to his Estate, plus such other damages as permitted by the Florida Wrongful Death Act. including but not limited to the following:

- a. Estate of SHAOLAN KAMALY: Loss of prospective net accumulations of the estate; any medical or funeral expenses charged to the estate and/or paid on behalf of the decedent.
- b. KEIVAN KAMALY, surviving father: Past and future loss of support and services; mental pain and suffering both in the past and in the future.

WHEREFORE, Plaintiff demands judgment against Defendant CITY OF PORT ORANGE for damages in excess of the jurisdictional minimum of this Court, together with costs, interest, and all other relief deemed appropriate.

COUNT II
NEGLIGENCE AGAINST THE SCHOOL BOARD OF VOLUSIA COUNTY,
FLORIDA

Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 through 18 as if fully set forth herein.

28. Defendant, SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA undertook and assumed responsibility for student ingress and egress safety, school-zone traffic operations, school drop-off and pick-up procedures, and pedestrian safety measures at the subject school.

29. Having undertaken such operational responsibilities, Defendant, SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA owed a duty to exercise reasonable care in carrying out those activities.

30. Defendant, SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA knew or should have known that children regularly crossed the subject roadway immediately adjacent to school property during periods of heavy parent vehicular traffic.

31. Defendant, SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA further knew or should have known that the subject location constituted a known dangerous condition due to prior substantially similar incidents, obstructed visibility, and foreseeable conflicts between vehicles and child pedestrians/bicyclists.

32. The negligent acts and omissions of Defendant included, but were not limited to:

- a. negligently failing to provide adequate operational traffic supervision during school arrival periods;
- b. negligently failing to provide crossing guards or equivalent traffic-control measures after notice of prior substantially similar incidents and known hazardous conditions;
- c. negligently failing to implement reasonable operational traffic-calming measures in the school exit area;
- d. negligently failing to safely manage and direct parent drop-off and exit traffic;
- e. negligently failing to maintain safe pedestrian access routes to school property;
- f. negligently failing to warn students and parents of the concealed dangerous condition;

g. negligently permitting dangerous sight obstructions to remain near the school-zone crossing area;

h. negligently failing to take corrective operational measures after prior notice of pedestrian injury incidents;

i. negligently creating and/or maintaining a foreseeable zone of risk to student pedestrians and bicyclists; and

j. negligently implementing student safety procedures in a manner that exposed children to unreasonable risk of harm.

33. The foregoing acts and omissions constituted operational-level conduct and negligent implementation of safety measures rather than protected discretionary policy-making functions.

34. The hazardous condition constituted a concealed and known danger which was not readily apparent to child pedestrians and bicyclists using the area.

35. Defendant, SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA had actual and/or constructive notice of the dangerous condition and failed to adequately correct the condition or warn foreseeable users.

36. As a direct and proximate result of Defendant SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA's negligence, the minor child suffered fatal injuries and death.

37. Plaintiff has complied with all conditions precedent to maintaining this action, including the presuit notice requirements of section 768.28, Florida Statutes, or such conditions have otherwise occurred, been waived, or been satisfied.

38. As a direct and proximate result of the aforesaid actions of Defendant SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA, and the resulting death of the Decedent SHAOLAN KAMALY, KEIVAN KAMALY as Personal Representative of the Estate of

SHAOLAN KAMALY makes a claim for medical and funeral expenses due to the deceased's injuries and subsequent death and for loss of net accumulations to his Estate, plus such other damages as permitted by the Florida Wrongful Death Act. including but not limited to the following:

- a. Estate of SHAOLAN KAMALY: Loss of prospective net accumulations of the estate; any medical or funeral expenses charged to the estate and/or paid on behalf of the decedent.
- b. KEIVAN KAMALY, surviving father: Past and future loss of support and services; mental pain and suffering both in the past and in the future.

WHEREFORE, Plaintiff demands judgment against Defendant SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA for damages in excess of the jurisdictional minimum of this Court, together with costs, interest, and all other relief deemed appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, KEIVAN KAMALY as Personal Representative of the SHAOLAN KAMALY, demands a trial by jury of all issues so triable.

RESPECTFULLY submitted this 22nd day of May, 2026

/s/ Thomas Caldwell

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Filing #:248804733

Filer:Thomas Edward Caldwell

Payment:\$420.00

- 1 Filing Fee: \$400.00
- 2 Summons Issuance: \$20.00
- 3 Complaints/Petitions Complaint: \$0.00
- 4 Complaints/Petitions Request that Summons be Issued: \$0.00
- 5 Complaints/Petitions Request that Summons be Issued: \$0.00
- 6 Miscellaneous Other Document: \$0.00
- 7 Complaints/Petitions Civil Cover Sheet: \$0.00

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