

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

LUTA UMBRECHT and
DAVID UMBRECHT, her husband,

CASE NO.:
DIVISION:

Plaintiffs,

vs.

CITY OF NEW SMYRNA BEACH,
a Municipal Corporation,

Defendant.

COMPLAINT

Plaintiffs LUTA UMBRECHT and DAVID UMBRECHT, her husband, sue Defendant
CITY OF NEW SMYRNA BEACH, a Municipal Corporation:

1. This is an action for damages in excess of \$50,000 exclusive of costs and interest.
2. At all times material hereto, Plaintiffs LUTA UMBRECHT and DAVID UMBRECHT were husband and wife residing in New Smyrna Beach, Volusia County, Florida.
3. At all times material hereto, Defendant CITY OF NEW SMYRNA BEACH was a governmental entity in the State of Florida.
4. At all times material hereto, Landon Andrew Jones was acting within the course and scope of employment as a law enforcement officer with Defendant.
5. Plaintiffs served a timely Notice of Claim under Florida Statute §768.28 via certified mail upon the Defendant, who denied the claim and/or failed to respond in a timely manner. Consequently, conditions precedent to suit have been satisfied and/or waived.
6. On or about June 22, 2023 at approximately 6 a.m., Defendant owned a motor vehicle that was operated with its permission by Officer Jones, at or near the intersection of State Road A1A and the private drive to 615 State Road A1A in New Smyrna Beach, Florida.

7. At that time and place, Officer Jones negligently operated or maintained the Defendant's motor vehicle causing a severe collision with a motor vehicle owned and operated by Plaintiff LUTA UMBRECHT resulting in both vehicles being totaled.

8. Defendant is vicariously liable for the negligence of Officer Jones in the subject motor vehicle collision.

9. As a direct and proximate result of Defendant's negligence, Plaintiff LUTA UMBRECHT 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/or aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff LUTA UMBRECHT will suffer losses in the future.

10. By reason of his wife's injuries, Plaintiff DAVID UMBRECHT has in the past and will in the future suffer loss of the services, comfort, society and attentions of his wife, Plaintiff LUTA UMBRECHT.

WHEREFORE, Plaintiffs LUTA UMBRECHT and DAVID UMBRECHT, her husband, demand judgment for damages against Defendant CITY OF NEW SMYRNA BEACH and trial by jury.

DATED this 9th day of January, 2025.

Lisa Finaldi

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