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

CASE NO:

MATTHEW SNYDER,

Plaintiff,

vs.

THE CITY OF NEW SMYRNA BEACH,

Defendant.

_____/

COMPLAINT

Plaintiff, MATTHEW SNYDER, sues Defendant, THE CITY OF NEW SMYRNA BEACH, and alleges:

1. This is an action for damages that exceed Fifty thousand one dollar and no cents ($50,001.00), exclusive of interest, costs and attorneys' fees.

COMPLIANCE WITH FLORIDA STATUTE 768.28

2. The Plaintiff has complied with all provisions of F.S. 768.28, specifically Florida Statute 768.28(6) relating to presenting a claim in writing and notice of this action. The appropriate government agencies have denied the claim, or in the alternative, failed to respond within six (6) months after it was filed. Pursuant to the above statute, the claim has either been affirmatively denied or deemed denied. A copy of the notice letter is attached as Exhibit "A".

GENERAL ALLEGATIONS

3. At all times material to this action, Plaintiff was a natural person residing in Volusia County, Florida.

4. At all times material to this action, Defendant The City of New Smyrna Beach was and as is a governmental entity and subdivision of the State of Florida.

5. At all times material to this action, Rebecca Lynn Johnson was in the course and scope of her employment with the City of New Smyrna Beach.

6. At that times material, the vehicle driven by Rebecca Lynn Johnson was owned by The City of New Smyrna Beach.

7. On November 4, 2023, the Plaintiff was traveling northbound on Mission Drive and was crossing its intersection with State Road 44 in New Smyrna Beach, Florida.

8. At that same time and place, the Defendant was traveling eastbound on State Road 44 in New Smyrna Beach, Florida.

COUNT 1 AGAINST THE CITY OF NEW SMYRNA BEACH – RESPONDEAT SUPERIOR

9. The Plaintiff re-alleges and incorporates by reference counts one through eight and further alleges the following:

10. Florida has adopted the doctrine of respondeat superior which imposes liability on the employer for the negligent acts of an employee that occur in the course and scope of employment.

11. At that time and place, Rebecca Lynn Johnson negligently operated and/or maintained the motor vehicle owned by Defendant The City of New Smyrna Beach so that it collided with Plaintiff's motor vehicle.

12. As a direct and proximate result of Rebecca Lynn Johnson'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 an 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. Plaintiff's motor vehicle was also damaged.

COUNT II AGAINST THE CITY OF NEW SMYRNA – DANGEROUS INSTRUMENTALITY

13. The Plaintiff re-alleges and incorporates by reference counts one through eight and further alleges the following:

14. Florida has adopted the doctrine of Dangerous Instrumentality which imposes liability on the owner of a motor vehicle for the negligent acts of a permissive driver.

15. At all times material, Rebecca Lynn Johnson had permission to drive the vehicle owned by The City of New Smyrna.

16. At that time and place, Rebecca Lynn Johnson negligently operated and/or maintained the motor vehicle owned by Defendant The City of New Smyrna Beach so that it collided with Plaintiff's motor vehicle.

17. As a direct and proximate result of Rebecca Lynn Johnson'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 an 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. Plaintiff's motor vehicle was also damaged.

WHEREFORE, Plaintiff, MATTHEW SNYDER, demands judgment for damages against Defendant, THE CITY OF NEW SMYRNA BEACH, and other such relief deemed proper by the Court. Plaintiff also demands a jury trial on all issues so triable.

RESPECTFULLY submitted this 13th day of October, 2025.

/s/ Thomas Caldwell

Thomas Caldwell, Esquire
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Attorney for Plaintiff

Exhibit "A"

January 25, 2025

NOTICE OF CLAIM – FLORIDA STATUTES 768.28(6)

CERTIFIED MAIL – RETURN RECEIPT
CERTIFIED MAIL NO: 7021 2720 0000 4360 9881

15106429
Chief Financial Officer
Department of Financial Services
State of Florida
200 East Gaines Street
Tallahassee, FL 32314

CERTIFIED MAIL – RETURN RECEIPT
CERTIFIED MAIL NO: 7021 2720 0000 4360 9874

15106429
State of Florida
Governor Ron DeSantis
400 South Monroe Street
Tallahassee, FL 32399-0001

CERTIFIED MAIL – RETURN RECEIPT
CERTIFIED MAIL NO: 7021 2720 0000 4360 9867

15106429
Volusia County
Office of Risk Management
123 W Indiana Ave
Deland, FL 32720

CERTIFIED MAIL – RETURN RECEIPT
CERTIFIED MAIL NO: 7021 2720 0000 4360 9851

15106429
New Smyrna Beach Police Department
246 Industrial Park Avenue
New Smyrna Beach, FL 32168

CERTIFIED MAIL – RETURN RECEIPT
CERTIFIED MAIL NO: 7021 2720 0000 4360 9843

City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach, FL 32168

CERTIFIED MAIL – RETURN RECEIPT
CERTIFIED MAIL NO: 7021 2720 0000 4360 9836

15106429
Board of County Commissioners
123 W Indiana Ave
Suite 301
Deland, FL 32720

CLAIMANT(s):

Name:	Matthew Snyder
Date of Birth:	06/09/1980
Place of Birth:	Bennington, Vermont
Social Security No:	***-**
Spouse's Name:	Sarah Snyder (maiden name: Sarah Peterson)
Date of Birth:	02/19/1982
Place of Birth:	Waterbury, Connecticut
Social Security No:	***-**

PRIOR ADJUDICATED UNPAID CLAIMS: (if none, so state)
Claimant: none

DATE OF INCIDENT: November 4, 2023

PLACE OF INCIDENT: State Road 44 (Canal Street) and Mission Drive, New Smyrna Beach, Florida.

DESCRIPTION OF INCIDENT: Rebecca Johnson, in her capacity of employment with the New Smyrna Beach Police Department and operating a vehicle owned by the City of New Smyrna Beach caused a motor vehicle crash with the vehicle owned and operated by Matthew Snyder at State Road 44 (Canal Street) and Mission Drive, New Smyrna Beach, Florida.

KNOWN CITY/STATE AGENTS OR EMPLOYEES:
Rebecca Johnson
New Smyrna Beach Police Department
246 Industrial Park Avenue
New Smyrna Beach, FL 32168

RELIEF SOUGHT: Compensation for injuries sustained pursuant to Florida's Medical Malpractice laws (Chapter 766, Florida Statutes) to include mental anguish, mental pain and suffering, inconvenience, loss of capacity for the enjoyment of life, medical expenses, future medical care, economic damages, future loss of earning capacity, loss filial consortium of mother, Matthew Snyder.

IF ADDITIONAL INFORMATION IS NEEDED, PLEASE CONTACT THE UNDERSIGNED. PLEASE ACKNOWLEDGE RECEIPT HEREOF.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to the above agencies, this 25th day of January, 2025.

Thomas Caldwell

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