

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

SANDRA JOHNSON,

CASE NO:

Plaintiff,

v.

VOLUSIA COUNTY SHERIFF'S OFFICE,

Defendant.

_____ /

COMPLAINT

Plaintiff, SANDRA JOHNSON, by and through the undersigned attorneys, sues Defendant, VOLUSIA COUNTY SHERIFFS OFFICE, and states as follows:

1. This is an action for damages that exceeds Thirty Thousand Dollars (\$30,000.00) exclusive of interest, costs and attorney's fees.

2. At all times material to this action, Plaintiff, SANDRA JOHNSON, is a natural person residing in Deland, Volusia County, Florida.

3. At all times material to this action, Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE, is a Government Agency authorized to and doing business in Volusia County, Florida.

4. At all times material to this action, ERIC DOLAN was an employee of Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE, acting within the course and scope of his employment at the time of the accident.

5. All other conditions precedent to the bringing of this action have been performed, have occurred or have been waived.

6. Venue is proper in Volusia County because the alleged incident occurred in Volusia County.

7. Plaintiff has complied with statutory requirements as set forth in § 768.28, Florida Statutes. Please see the Notice of Claim attached hereto as Exhibit "A."

FACTS COMMON TO ALL COUNTS

8. On or about December 16, 2021, Plaintiff, SANDRA JOHNSON, was operating a motor vehicle, stopped at or near 2701 S Woodland Blvd, Deland, Volusia County, Florida.

9. At that time and place, ERIC DOLAN, was operating a motor vehicle owned by the Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE, at or near 2701 S Woodland Blvd, Deland, Volusia County, Florida.

10. At that time and place, ERIC DOLAN, operated the subject motor vehicle with the full knowledge and the express authority, permission and consent of its owner, VOLUSIA COUNTY SHERIFF'S OFFICE.

11. At that time and place, ERIC DOLAN, was an employee of Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE and was within the course and scope of his employment while operating the patrol vehicle.

12. At that time and place, ERIC DOLAN owed a duty to Plaintiff, SANDRA JOHNSON, to operate the subject vehicle in a reasonable safe manner.

13. At that time and place, ERIC DOLAN, negligently and carelessly operated and/or maintained the patrol vehicle so as to collide with and rear end the motor vehicle driven by Plaintiff, SANDRA JOHNSON.

14. Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE, is vicariously liable for the negligence of ERIC DOLAN, pursuant to the doctrine of *respondeat superior*.

15. As a direct and proximate cause of Defendant, ERIC DOLAN's, negligence, Plaintiff, SANDRA JOHNSON, suffered or incurred injuries included, without limitation, the following:

- A. Significant and permanent loss of an important bodily function and/or permanent and significant scarring.
- B. Permanent injury within a reasonable degree of medical probability other than scarring or disfigurement;
- C. Aggravation or activation of an existing disease or physical defect;
- D. Pain, suffering, disability, physical impairment, inconvenience, and a loss of capacity for the enjoyment of life;
- E. Expenses of medical care and treatment in the past and in the future;
- F. Loss of wages and/or loss of earning capacity in the future; and
- G. All losses are continuing and/or permanent.

16. Plaintiff, SANDRA JOHNSON, will suffer or incur the injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, SANDRA JOHNSON, demands judgment for damages against Defendant, VOLUSIA COUNTY SHERIFF'S OFFICE, for personal injury including the losses enumerated herein, costs, interest and for other such relief as may be just and equitable and otherwise deemed proper by the Court.

DEMAND FOR JURY TRIAL

Plaintiff, SANDRA JOHNSON, demands a jury trial on all issues so triable of each and every one of the Counts set forth above.

RESPECTFULLY submitted this DATED this 26th day of September, 2022.

/s/ Heidi J. Livingston

Heidi Livingston, Esquire

Florida Bar No.: 0132160

Dan Newlin Injury Attorneys

7335 W. Sand Lake Road, Suite 300

Orlando, FL 32819

Direct: (407) 440-1710

Fax: (863) 225-9862

PRINCIPAL EMAIL ADDRESS:

Heidi.Livingston@newlinlaw.com

(NOTE: for Service of Pleadings and Documents ONLY not for scheduling)

Livingston.Pleadings@newlinlaw.com

Janet.Thompson@newlinlaw.com

Shaely.Ruiz@newlinlaw.com

Attorney for Plaintiff

NOTICE OF CLAIM-FLORIDA STATUTE §768.28(6)

[REDACTED]

CERTIFIED MAIL-RETURN RECEIPT

TO: Department of Financial Services
State of Florida - Legal Division
200 E. Gaines Street
Tallahassee, FL 32399-0300

Clerk of the Court - Volusia County
P.O. Box 6043
Deland, FL 32721-6043

Volusia County Board of Commissioners
123 W Indiana Ave.
Deland, FL 32721-6043

Volusia County Risk Management
230 N. Woodland Blvd.
Suite 262
Deland, FL 32720

Volusia County Public Works Department
123 W Indiana Ave.
Deland, FL 32721-6043

CLAIMANT: Sandra Johnson
Address: 732 W Hubbard Ave.
Deland, FL 32720
Date of Birth: June 18, 1980
Place of Birth: Florida
Social Security No: [REDACTED]

CONSORTIUM CLAIMANT:
Address: NONE
Date of Birth: N/A
Place of Birth: N/A
Social Security No.: N/A

PRIOR ADJUDICATED UNPAID CLAIMS: (NONE)
Claimant: None
Consortium Claimant: None

DATE AND TIME OF INCIDENT: December 16, 2021 5:24 PM

PLACE OF INCIDENT: Volusia County S. Woodland Blvd. Deland, FL 32720

DESCRIPTION OF INCIDENT: Volusia County employee, Eric Dolan, carelessly crashed into the rear of Ms. Johnson's vehicle.

DESCRIPTION OF INJURIES: Whiplash, head, shoulders, arms, knees, chest, neck and back pain

KNOWN GOVERNMENT AGENTS OR EMPLOYEES: County of Volusia
Officer Eric D. Dolan (City Employee)

RELIEF SOUGHT: Compensation to include but not to be limited to all permanent injuries, past and future medical bills, wage loss, mileage, prescriptions, pain and suffering, property damage and any and all other out of pocket expenses incurred as a result of this accident.

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 21 day of December, 2021.

GA
Greg Ackerman, Esquire
FBN: 0104132
Dan Newlin Injury Attorneys
7335 W. Sand Lake Road
Suite 300
Orlando, FL 32819
(407) 203-6586
Attorneys for Plaintiff

7019 0700 0001 0198 9044
7019 2280 0000 5407 1471
7019 2280 0000 5407 1457
7019 2280 0000 5407 1440
7019 2280 0000 5407 1464

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EXHIBIT

A

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