

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

CASE NO.:
DIVISION:

JASON THERRIEN,

Plaintiff,

v.

CITY OF DAYTONA BEACH
FLORIDA, a municipality,

Defendant.

_____ /

COMPLAINT

Plaintiff, JASON THERRIEN, sues the Defendant, CITY OF DAYTONA BEACH, FLORIDA, a municipality (hereinafter "Defendant, DAYTONA"), and alleges as follows:

1. This is an action for damages in excess of Fifty-Thousand and One-Dollars (\$50,001.00).
2. Plaintiff JASON THERRIEN is a resident of Holly Hill, Volusia County, Florida.
3. Defendant DAYTONA is a municipality, organized and existing under the laws of the State of Florida, with its principal place of business located at 301 S. Ridgewood Avenue, Suite 220, Daytona Beach, Volusia County, Florida.
4. Defendant DAYTONA is an agency or subdivision of the State of Florida that has waived its sovereign immunity by virtue of Fla.Stat. Section 768.28.
5. At all times relevant, Defendant DAYTONA acted by and through its agents, servants and/or employees.

6. All conditions precedent to the filing of this action have been performed, have occurred or otherwise have been waived, including the notices of claim as required by Fla.Stat. Section 768.28, which have been served on Defendant DAYTONA, and all appropriate entities. Copies of the notices of claim letters with proof of mailing and receipt are attached collectively hereto as **Exhibit "A."**

7. On or about November 26, 2025, Plaintiff JASON THERRIEN was operating an electric scooter on Kingston Avenue at or near the intersection of Flanders Avenue in Daytona Beach, Volusia County, Florida.

8. The subject roadway was owned, maintained and/or controlled by Defendant DAYTONA.

9. At the time and place set forth above, Plaintiff was caused to fall and suffer injuries as the result of encountering a dangerous, hazardous and undisclosed condition in the form of broken and deteriorated pavement on the subject roadway.

10. At the time and place set forth above, there was limited street lighting and reduced visibility in the subject area of the roadway, which further contributed to the hazardous condition encountered by the Plaintiff.

11. Defendant DAYTONA had a duty to maintain the subject roadway in a reasonably safe condition, and to warn the Plaintiff and others of dangers which the Defendant knew or should have known about in the exercise of reasonable care.

12. Defendant DAYTONA negligently and carelessly maintained, controlled, inspected, and failed to repair the subject roadway in such a way as to allow a dangerous condition to exist, and in the absence of any warning.

13. Defendant DAYTONA negligently and carelessly failed to properly and sufficiently illuminate the subject roadway, contributing to the hazardous condition described hereinabove.

14. Defendant DAYTONA, and/or its agents or employees, knew that such dangerous conditions existed, or said conditions existed for a sufficient length of time such that the Defendant should have known of the hazardous conditions.

15. As a result of Defendant DAYTONA's negligence, Plaintiff THERRIEN 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 the ability to earn money, and/or aggravation of a pre-existing condition. The losses are either permanent or continuing and the Plaintiff will suffer such losses in the future.

WHEREFORE, the Plaintiff, JASON THERRIEN, demands judgment against the Defendant, CITY OF DAYTONA BEACH, FLORIDA, and further demands a trial by jury.

RUE & ZIFFRA



Luis R. Gracia, Esquire
632 Dunlawton Avenue
Port Orange, FL 32127
Phone: (386) 788-7700
FBN: 0152943
Email: lgracia@rueziffra.com
susanj@rueziffra.com
Attorney for the Plaintiff

EXHIBIT A

USPS CERTIFIED MAIL

Jennifer Jenkins
RUE AND ZIFFRA, P.A.
640 Dunlawton Ave
Port Orange, FL 32127



9407 1149 0291 2645 0818 23

City of Daytona Beach
City of Daytona Beach
301 S Ridgewood Ave
Suite 220
Daytona Beach, FL 32114-4933

Shipper Ref: 47007

Tracking Number:

[REDACTED] 3



Copy



Add to Informed Delivery

Latest Update

Your item was delivered to an individual at the address at 12:17 pm on December 8, 2025 in DAYTONA BEACH, FL 32114.

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USPS Tracking Plus®

✓ Delivered

Delivered, Left with Individual

DAYTONA BEACH, FL 32114
December 8, 2025 12:17 PM

[See All Tracking History](#)

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RUE & ZIFFRA

ATTORNEYS & COUNSELORS AT LAW

December 2, 2025

CERTIFIED MAIL #9407 1149 0291 2645 0818 23
RETURN RECEIPT REQUESTED

City of Daytona Beach
301 South Ridgewood Avenue, Suite 220
Daytona Beach, FL 32114

Re: Our Client: Jason Therrien
Date of Loss: 11/26/2025
File No.: 47007

Dear Sir or Madam:

The purpose of this letter is to provide you with notice of a pending negligence claim against the City of Daytona Beach and/or its agents. The claim arises from an incident involving Jason Therrien on Kingston Avenue near Flanders Avenue on the above-reference date. Our claim is based on negligence related to roadway maintenance, or lack thereof. Jason Therrien was operating his electric scooter on Kingston Avenue in Daytona Beach when he struck a broken and deteriorated area of pavement on the street causing him to be thrown from the scooter onto the ground. As a result of the incident, Jason sustained a significant injury to his right knee.

This notice is provided in accordance with Florida Statutes §768.28(6). You should be advised that suit will be filed in this case within six (6) months from the date of this letter pursuant to the above statute.

The Full Name of the Claimant is: Jason Therrien
Claimant's Date of Birth:
Claimant's Social Security Number:
Claimant's Place of Birth: Daytona Beach

There are no known penalties, fines, fees, victim restitution funds or other judgments in excess of \$200, whether imposed by a civil, criminal, or administrative tribunal, owed to the state, its agencies, officers or subdivisions.

Very truly yours,
RUE & ZIFFRA

Luis R. Gracia, Esquire
LRG/jj

ATTORNEYS:

ALLAN L. ZIFFRA

LUIS R. GRACIA*

DAVID L. SWEAT

KIM E. BOUCK

DARREN COLEMAN

EDWARD S. RUE

MATTHEW J. MITCHELL

CHRISTY E. MONTOTO

JAKOB UZZLE

*Board Certified in
Social Security Disability
Law by the National
Board of Trial Advocacy

SEND ALL MAIL TO MAIN OFFICE:

PORT ORANGE
632 DUNLAWTON AVE.
PORT ORANGE, FL 32127
(386) 788-7700
(386) 788-8707 FAX

PALM COAST OFFICE
(386) 439-0249

DELAND OFFICE
(386) 734-5900

NEW SMYRNA BEACH
(386) 427-2220

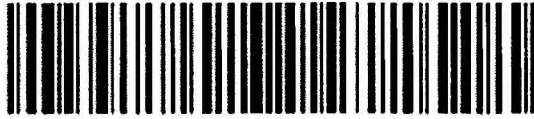
LAKE MARY OFFICE
(407) 259-4485

WINTER PARK OFFICE
(407) 634-2250

**ORLANDO (SAND LAKE
ROAD) OFFICE**
(407) 329-3976

USPS CERTIFIED MAIL

Jennifer Jenkins
RUE AND ZIFFRA, P.A.
640 Dunlawton Ave
Port Orange, FL 32127



9407 1149 0291 2645 0818 47

Department of Financial Services
State of Florida
200 E Gaines St
Tallahassee, FL 32399-6502

Shipper Ref: 47007

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Remove X

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USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

TALLAHASSEE, FL 32301
December 10, 2025 9:59 AM

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Feedback



ATTORNEYS:

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(407) 329-3976

RUEZIFFRA.COM
ATTORNEYSFORBIKERS.COM

RUE & ZIFFRA

ATTORNEYS & COUNSELORS AT LAW

December 3, 2025

CERTIFIED MAIL # [REDACTED] 847
RETURN RECEIPT REQUESTED

State of Florida
Department of Financial Services
Bureau of Consumer Assistance
Larson Building
200 E. Gaines Street
Tallahassee, Florida 32399

Re:	Our Client:	Jason Therrien
	Date of Loss:	11/26/2025
	File No.:	47007

Dear Sir or Madam:

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