

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF PASCO, STATE OF FLORIDA
CIVIL DIVISION

KEVIN SAWYER, individually,

Plaintiff,

vs.

CASE NO.: 512008CA5342WS
DIVISION:

PASCO COUNTY, FLORIDA,

H

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, KEVIN SAWYER, and sues Defendant, PASCO COUNTY, FLORIDA and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceeds \$15,000.00, exclusive of costs, interest and attorneys' fees.
2. At all times material to this action the Plaintiff, KEVIN SAWYER, resided in Lutz, Hillsborough County, Florida.
3. At all times material to this action Defendant, PASCO COUNTY, FLORIDA, was a municipality chartered under the laws of the State of Florida.
4. Plaintiff has notified the Defendant, PASCO COUNTY, FLORIDA, and the Department of Insurance of her claim and the claim was denied by the Defendant. See attached Exhibit "A".
5. All other conditions precedent to bringing this action have occurred or have been met pursuant to §768.28, Florida Statutes.
6. All damages and any other and further relief claimed in this Complaint arose out of an accident which occurred on April 5, 2007 in Port Richey, Pasco County, Florida.

JURISDICTION AND VENUE

7. This is a civil action arising under the laws of the State of Florida.
8. This Court has personal jurisdiction over all parties as they reside in or operate principally from Pasco County, Florida.
9. Venue is proper in this Circuit because the Defendant can be found in and/or transacts business in the Sixth Judicial Circuit.

COUNT I

(KEVIN SAWYER v. PASCO COUNTY, FLORIDA - Auto Negligence)

10. The Plaintiff, KEVIN SAWYER, realleges paragraphs 1 through 9 above as if more fully set forth herein and further alleges:
 11. On or about April 5, 2007, a motor vehicle owned by Defendant, PASCO COUNTY, FLORIDA was being operated with its consent and knowledge by Sandra J. Underwood at the location of Poco Loop and Glen Oak Avenue in Port Richey, Pasco County, Florida.
 12. At that time and place, Sandra J. Underwood negligently operated or carelessly maintained said motor vehicle so that it collided with the Plaintiff, KEVIN SAWYER, who was a pedestrian.
 13. As a direct and proximate result of the above-referenced negligence, KEVIN SAWYER was caused to sustain severe, continuing and permanent injuries, including significant and permanent loss of an important bodily function, and/or permanent injury within a reasonable degree of medical probability and/or, significant and permanent scarring and disfigurement, and she has in the past, and will in the future suffer from the effects of said injuries, including pain and suffering, humiliation,

embarrassment, loss of the capacity for the enjoyment of life and has been and will be caused in the future to incur expenses in the care and treatment of said injuries.

14. As a result of Sandra J. Underwood's negligence in causing the motor vehicle accident, Sandra J. Underwood, has caused KEVIN SAWYER to activate and/or aggravate certain pre-existing conditions, and she has in the past and will in the future experience loss of earnings and earning capacity.

15. Alternatively, should it be determined at the trial of this cause that KEVIN SAWYER has not sustained any permanent injury as a result of the negligence of Sandra J. Underwood, KEVIN SAWYER has nonetheless incurred or experienced certain economic losses both in the past and will in the future as a direct and proximate result of the negligence of Sandra J. Underwood which has not been reimbursed by any collateral source.

16. KEVIN SAWYER incurred past and future medical expenses as a result of the April 5, 2007 accident.

17. KEVIN SAWYER lost wages as a result of the April 5, 2007 accident.

18. KEVIN SAWYER lost the ability to earn wages in the future as a result of the April 5, 2007 accident.

WHEREFORE, the Plaintiff, KEVIN SAWYER, sues the Defendant, PASCO COUNTY, FLORIDA for damages and costs, and requests a trial by jury on all issues so triable.

CLAIM FOR COSTS: RECOVERY BY PLAINTIFF

If the Plaintiff, KEVIN SAWYER, recovers judgment, the Plaintiff will be entitled to taxation of costs and charges pursuant to §57.041, Florida Statutes.

CLAIM FOR ATTORNEY'S FEES AND COSTS:
OFFER OF JUDGMENT/PROPOSAL FOR SETTLEMENT

If an Offer of Judgment and/or Proposal for Settlement is served by the Plaintiff, KEVIN SAWYER, the Plaintiff shall be entitled to recover reasonable costs and attorney's fees incurred by the Plaintiffs from the date of such Offer or Proposal pursuant to §768.79, Florida Statute and Rule 1.442, Florida Rules of Civil Procedure.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the Defendant via service of process.

CATANIA & CATANIA, P.A.

A handwritten signature in black ink, appearing to read "Paul S. Reed", is written over a horizontal line.

PAUL S. REED, ESQUIRE

FBN: 0083143

Bank of America Plaza, Suite 2400

101 E. Kennedy Blvd

Tampa, FL 33602

813/222-8545

Attorney for the Plaintiff

CATANIA & CATANIA

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW
BANK OF AMERICA PLAZA, SUITE 2400
101 EAST KENNEDY BLVD.
TAMPA, FLORIDA 33602

TEL (813) 222-8545
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ST. PETERSBURG (727) 895-8545
CLEARWATER (727) 724-8555

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PAUL B. CATANIA
PETER F. CATANIA
PAUL S. REED
WENDY COUSINS-SAVAGE
EDWIN P. KRIEGER*
BRUCE M. KLEINBERG**

* ALSO ADMITTED IN COLORADO
BOARD CERTIFIED
** CIVIL TRIAL LAWYER

August 1, 2007

CERTIFIED, RETURN RECEIPT

Pasco County Commissioners
John J. Gallagher – County Administrator
38053 Live Oak Avenue
Dade City, FL 33523

RE: Our Client/Claimant : Kevin Sawyer
Date of Birth : [REDACTED]
Social Security # : [REDACTED]
Your Driver : Sandra Underwood
Date of Loss : April 5, 2007

Dear Mr. Gallagher:

Pursuant to Florida Statute, Section §768.28, please be advised this office represents Kevin Sawyer with respect to his claim for compensation for the injuries that he received arising out of the above-referenced vehicular accident.

Please find attached a copy of the police report for your review. The report provides the location of the accident and other pertinent information.

Kevin Sawyer does not have any judgment(s) against him in excess of \$200.00 by a governmental entity.

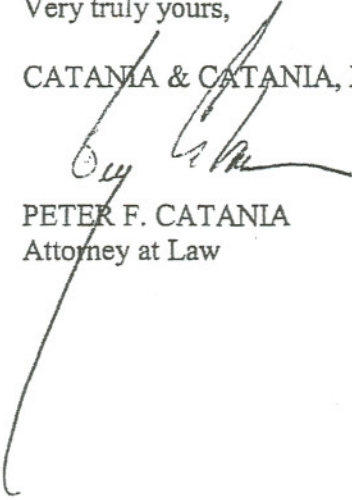


Page 2

Finally, please inform claimant's counsel of any deficiencies in the notice or whether further information is needed to investigate the claim. If this notice was not served on the "head of the agency," please provide claimant's counsel with the name and address of the "head of the agency" so proper notification can be given.

Very truly yours,

CATANIA & CATANIA, P.A.



PETER F. CATANIA
Attorney at Law

PFC/mag

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or PO Box No. _____

City, State, ZIP+4 _____

PS Form 3800, June 2002 See Reverse for Instructions

7005 2570 0001 2054 9719

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Pasco Co. Commissioners
 John J. Gallagher
 County Administrator
 38053 Live Oak Ave.
 Dade City, FL 33523

2. Article Number
 (Transfer from sender) _____

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) W. Smith C. Date of Delivery 8-3-07

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

CATANIA & CATANIA

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TAMPA, FLORIDA 33602

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* ALSO ADMITTED IN COLORADO
** BOARD CERTIFIED
CIVIL TRIAL LAWYER

May 9, 2007

CERTIFIED - RETURN RECEIPT
7006 3450 0000 2630 6037

Mr. Tom Gallagher
Florida Department of Financial Services
The Capitol
Tallahassee, FL 32399-0300

RE: Our Client/Claimant : Kevin Sawyer
Date of Birth : [REDACTED]
Social Security # : [REDACTED]
Your Insured : Pasco County
Your Driver : Sandra J. Underwood
Date of Loss : April 5, 2007

Dear Mr. Gallagher:

Pursuant to Florida Statute, Section §768.28, please be advised this office represents Kevin Sawyer with respect to his claim for compensation for the injuries that he received arising out of the above-referenced vehicular accident.

Please find attached a copy of the police report for your review. The report provides the location of the accident and other pertinent information.

Kevin Sawyer does not have any judgment(s) against him in excess of \$200.00 by a governmental entity.

May 9, 2007
Page 2

Finally, please inform claimant's counsel of any deficiencies in the notice or whether further information is needed to investigate the claim. If this notice was not served on the "head of the agency," please provide claimant's counsel with the name and address of the "head of the agency" so proper notification can be given.

Very truly yours,

CATANIA & CATANIA, P.A.

PETER F. CATANIA
Attorney at Law

PFC/sm

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Tom Gallagher
 The Capitol
 Tallahassee, FL 32399

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 DEPARTMENT OF FINANCIAL SERVICES Agent
 DEATH MAIL CENTER SUPERVISOR Addressee

B. Received by (Printed Name) MAY 11 2007
 C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 3450 0000 2630 6037 PFC/MAG - Sawyer,

PS Form 3811, February 2004

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Restricted Delivery Fee	

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CATANIA & CATANIA

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* ALSO ADMITTED IN COLORADO

BOARD CERTIFIED
** CIVIL TRIAL LAWYER

May 9, 2007

CERTIFIED, RETURN RECEIPT

7006 3450 0000 2630 6044

Pasco County Commissioners
Ann Hildebrand – Chairwoman
38053 Live Oak Avenue
Dade City, FL 33523

RE: Our Client/Claimant : Kevin Sawyer
Date of Birth : **June 6, 1957**
Social Security # : **047-54-1761**
Your Driver : Sandra Underwood
Date of Loss : April 5, 2007

Dear Mrs. Hildebrand:

Pursuant to Florida Statute, Section §768.28, please be advised this office represents Kevin Sawyer with respect to his claim for compensation for the injuries that he received arising out of the above-referenced vehicular accident.

Please find attached a copy of the police report for your review. The report provides the location of the accident and other pertinent information.

Kevin Sawyer does not have any judgment(s) against him in excess of \$200.00 by a governmental entity.

May 9, 2007
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Very truly yours,

CATANIA & CATANIA, P.A.

PETER F. CATANIA
Attorney at Law

PFC/sm

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1. Article Addressed to:

Pasco County Commissioners
Ann Hildebrand
38053 Live Oak Ave.
Dade City, FL 33523

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

T. Smith

C. Date of Delivery

5-16-07

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

7006 3450 0000 2630 6044

PIC/MAG Sawyer, K

PS Form 3811, February 2004

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