

4.8.08 #31

TO: The Honorable Chairman and Members of the  
Board of County Commissioners

FROM: James L. Bennett, Interim County Attorney

*JLB*

SUBJECT: Authority for County Attorney to Initiate Litigation:  
Pinellas County v. Danielle McCown

DATE: April 8, 2008

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS  
AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO INITIATE LITIGATION IN THE  
ABOVE-STYLED CASE.

DISCUSSION: This case arises out of an accident which occurred on February 26, 2007, when  
Danielle McCown rear-ended a Pinellas County vehicle at or near the intersection of Gulf Boulevard  
and 133<sup>rd</sup> Avenue in Madeira Beach, Pinellas County, Florida, causing \$3,629.28 in damages.  
Direct General Insurance Company denied coverage on the basis that Ms. McCown's policy expired  
on February 11, 2007, 15 days prior to the accident. All efforts to resolve this matter with Ms.  
McCown have been exhausted and unsuccessful.

JLB/jcp  
Attachment

IN THE COUNTY COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
SMALL CLAIMS DIVISION

PINELLAS COUNTY, a political  
subdivision of the State of Florida,  
Plaintiff,

COUNTY CIVIL NO. \_\_\_\_\_

v.

Danielle McCown  
7677 63<sup>rd</sup> Street, Apt. 1-D  
Pinellas Park, FL 33781-3127  
Defendant.

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COMPLAINT  
Motor Vehicle Negligence

Plaintiff, PINELLAS COUNTY, a political subdivision of the State of Florida, states:

**The Defendant's failure to keep a proper lookout and maintain an assured clear distance caused damage to a Pinellas County vehicle.**

1. This is an action for damages which do not exceed \$5,000.00, exclusive of prejudgment interest and costs.
2. This Court has jurisdiction as the incident giving rise to this action occurred in Pinellas County, Florida.
3. On or about February 26, 2007, Defendant, DANIELLE MCCOWN, owned and operated a 2003 Ford Expedition XLT, VIN 1FMRU15W43LA90055, tag number D141YU, at or near Gulf Boulevard and 133<sup>rd</sup> Avenue, in Madeira Beach, Pinellas County, Florida.
4. At that time and place, the Defendant negligently operated or maintained the motor vehicle such that the Defendant collided with the rear-end of the Plaintiff's vehicle.

5. As a direct and proximate result of the aforesaid negligence and carelessness, the Plaintiff's vehicle sustained significant damage requiring repair and resulting in a consequential financial loss to the Plaintiff in the amount of \$3,629.28.

6. To date, the Defendant has paid a total \$100, yet there remains an outstanding balance of \$3,529.38.

WHEREFORE, Plaintiff respectfully demands judgment for damages against the Defendant in the amount of \$3,529.28, together with pre-judgment interest thereon, costs of this action, and such other relief as this Court may deem appropriate.

DATED this \_\_\_\_\_ day of April 2008.

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Jamice C. Pinkney  
Assistant County Attorney  
FBN 11365 / SPN 02831895  
Pinellas County Attorney's Office  
315 Court Street  
Clearwater, FL 33756  
Telephone: (727) 464-3354  
Facsimile: (727) 464-4147  
Attorney for Plaintiff, PINELLAS  
COUNTY