

COMMISSION AGENDA:

1.14.14 # 17a.

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

FROM: James L. Bennett, County Attorney 

SUBJECT: Notice of New Lawsuit and Defense of the Same by the County Attorney in the Case of Stephen W. Bloom, Jr. v. Pinellas County Board of County Commissioners
Circuit Civil Case No. 13-011274-CI-21

DISTRIBUTION: Virginia Holscher, Bureau Director, Risk Management

DATE: January 14, 2014

NOTICE: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO DEFEND THE ABOVE-STYLED CASE AND TO COUNTERCLAIM AGAINST STEPHEN W. BLOOM, JR. FOR DAMAGES ARISING OUT OF THE A MOTOR VEHICLE ACCIDENT INVOLVING A COUNTY OWNED VEHICLE

DISCUSSION: Plaintiff, Stephen W. Bloom, Jr. alleges that on August 16, 2011, he was operating a motor vehicle near the intersection of 4th Avenue North, St. Petersburg, Florida, when a County employee allegedly struck his vehicle with a County-owned vehicle. As a result of the collision he alleges physical and mental injuries.

Plaintiff, Stephen W. Bloom, Jr. alleges that on or about August 26, 2011, he was driving his vehicle on 4th Street North at or near 8th Street North, St. Petersburg, Florida when a County employee driving an animal control vehicle ran a red light striking his vehicle causing physical and mental injuries. The County employee claims that she had the green light and Mr. Bloom ran a red right. The County's vehicle sustained damage as a result of the collision. The County's Answer to the Complaint in the underlying case was due on Friday, December 30, 2013, and a counterclaim was filed against Mr. Bloom for damages to the County's vehicle.

A copy of the Complaint (without attachments) is attached hereto.

JLB:NSM:cjk

Attachment

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**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

STEPHEN W. BLOOM, JR ,

Plaintiff,

Case No.: *13-011274-C1-21*

vs.

**PINELLAS COUNTY BOARD
OF COUNTY COMMISSIONERS,
a State of Florida Agency/Subdivision,**

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, STEPHEN W. BLOOM, JR, by and through his undersigned attorneys, and sues Defendant, PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, a State of Florida agency/subdivision and alleges as follows:

1. This is an action for damages which exceed Fifteen Thousand (\$15,000.00) Dollars, exclusive of costs and interest.
2. At all times material hereto, Defendant, PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS was and is currently an agency/subdivision of the State of Florida operating within Pinellas County, Florida.
4. This Court has jurisdiction over the parties hereto and subject matter herein. Venue is proper in Pinellas County because that is the County in which Defendant is located and this cause of action occurred.
5. This is an action brought pursuant to the Florida Tort Claims Act, 768.28, *Florida Statutes*.

6. Plaintiff has satisfied all conditions precedent to instituting this subject action under the Florida Tort Claims Act. Specifically, pursuant to *Florida Statutes*, 768.28(6)(a), notice of the injuries described in this complaint was provided to Defendant, PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS and to the Florida Department of Financial Services on January 13, 2011. *Copies of said notices are attached hereto as "Exhibit A" and "Exhibit B" respectively.*

7. That Plaintiff's claim is deemed denied by this Defendant for purposes of the notice requirements imposed by *Florida Statutes*, 768.28 because the requisite time period has elapsed and there has not been a final disposition of the Plaintiff's claims.

8. On or about August 16, 2011, on 8th Street North at or near the intersection of 4th Avenue North, in the city of St. Petersburg, County of Pinellas, State of Florida, Yvonne Skinner, an employee of the Animal Control, acting within the course and scope of her employment with Defendant, PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, negligently maintained, operated and/or controlled that certain 2009 Ford motor vehicle owned by the PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS so as to cause it to collide into and strike that certain 1996 Honda Civic motor vehicle being operated by Plaintiff, STEPHEN W. BLOOM, JR, thus causing said Plaintiff to sustain permanent injury.

9. As a proximate result of the negligent conduct of Yvonne Skinner, as alleged herein, for which Defendant is vicariously liable, Plaintiff STEPHEN W. BLOOM, JR has sustained the following past and future damages:

- a. Bodily injury;
- b. Great physical pain and suffering;

- c. Disability and inability and loss of capacity to lead and enjoy a normal life;
- d. Inconvenience;
- e. Physical impairment;
- f. Disfigurement and scarring;
- g. Mental anguish;
- h. Loss of or diminution of earning or earning capacity;
- i. Aggravation of an existing disease or physical defect;
- j. Permanent injury within a reasonable degree of medical probability; and
- k. Medical and related expenses, past and future, incurred in seeking a cure for his injuries.

WHEREFORE, Plaintiff STEPHEN W. BLOOM, JR demands a trial by jury and judgment against Defendant PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS for an amount within the jurisdictional limits of this Court, to wit: More than Fifteen Thousand (\$15,000.00) Dollars plus costs, and for such other relief to which the Plaintiff may be justly entitled.

DATED this 9th day of December, 2013 in Palm Harbor, Pinellas County, Florida.

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