

COMMISSION AGENDA:

11.20.12 #96.

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

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Notice of New Lawsuit and Defense of the Same by the County Attorney  
in the Case of Leslie Pitts v. Pinellas County  
Circuit Civil Case No. 12-11740-CI-21

DISTRIBUTION: Virginia Holscher, Bureau Director, Risk Management

DATE: November 20, 2012

NOTICE: THIS IS TO ADVISE THE BOARD OF COUNTY COMMISSIONERS THAT THE ABOVE-REFERENCED LAWSUIT WAS FILED AGAINST THE COUNTY AND THE COUNTY ATTORNEY'S OFFICE WILL DEFEND THE SAME.

DISCUSSION: Plaintiff's Complaint alleges negligence and resulting personal injuries as a result of a motor vehicle accident which occurred September 15, 2010, at the intersection of 49th Street and 70th Avenue, Pinellas Park. The County employee was driving a Public Works Operations (Vegetation Management) truck.

A copy of the Complaint is attached hereto (Exhibit A was not included with the Complaint).

JLB:JES:slr

Attachment

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

LESLIE PITTS,

Plaintiff,

v.

PINELLAS BOARD OF COUNTY  
COMMISSIONERS, a governmental  
entity

Defendants.

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CASE NO.: 12-11740-CI-21

COMPLAINT

COMES NOW the Plaintiff, **LESLIE PITTS**, by and through her undersigned attorneys, and sues Defendant, **PINELLAS BOARD OF COUNTY COMMISSIONERS** and alleges:

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00).

2. On or about September 15, 2010, Defendant, **PINELLAS BOARD OF COUNTY COMMISSIONERS**, owned a motor vehicle operated by its employee, Larry Whitworth, who was within the course and scope of his employment, at or near 49th Street @ 70<sup>th</sup> Avenue, Pinellas Park, Pinellas County, Florida.

3. All conditions precedent has been done pursuant to Florida Statutes 768.28(6). Defendant, **PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS**, was notified on October 13, 2010 (see attached Exhibit "A"). Since, Defendant, **PINELLAS BOARD OF COUNTY COMMISSIONERS**, has denied liability.

4. At that time and place, Larry Whitworth negligently operated or maintained the motor vehicle so that it collided with Plaintiff's, **LESLIE PITTS**, motor vehicle.

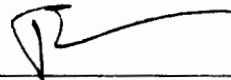
**COUNT I**  
**CLAIM OF LESLIE PITTS AGAINST**  
**PINELLAS COUNTY BOARD OF COMMISSIONERS**  
**(Negligence Claim)**

Plaintiff, **LESLIE PITTS**, reiterates and reallege Paragraphs 1 through 4 as if more fully set forth herein and further allege:

5. As a result, Plaintiff, **LESLIE PITTS**, 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 ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future. Plaintiff's automobile was damaged and she lost the use of it during the period required for its repair or replacement.

WHEREFORE the Plaintiff, **LESLIE PITTS**, demands judgment against the Defendant, **PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS**, in excess of Fifteen Thousand (\$15,000) Dollars, and requests a trial by jury of all issues triable as of right by a jury.

DATED this 14 day of September, 2012.



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