

COMMISSION AGENDA:

1.14.14 # 17d.

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 Theocharis Varitimidis and Sevasti Varitimidis v. Pinellas County
Circuit Civil Case No. 13-010614-CI-021

DISTRIBUTION: Virginia Holscher, Bureau Director, Risk Management

DATE: January 14, 2014

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, Theocharis Varitimidis, alleges that on January 27, 2013, he was operating his bicycle at Fred Howard Park in Tarpon Springs, Florida when he collided with a golf cart operated by a County employee. As a result of the collision he alleges physical and mental injuries. His wife, Sevasti Varitimidis, alleges a loss of consortium claim arising from the incident. The County Attorney's Office will defend these claims.

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**

**THEOCHARIS VARITIMIDIS
and SEVASTI VARITIMIDIS,**

Plaintiffs,

Case No.: 13-010614-CI-021

vs.

PINELLAS COUNTY,

Defendant.

COMPLAINT

COME NOW Plaintiffs, THEOCHARIS VARITIMIDIS and SEVASTI VARITIMIDIS, by and through their undersigned attorneys, and sue Defendant, PINELLAS COUNTY, and allege as follows:

GENERAL ALLEGATIONS

1. This is an action for damages which exceeds Fifteen Thousand (\$15,000.00) Dollars, exclusive of attorneys' fees, costs and interest.
2. At all material times hereto, Plaintiffs, THEOCHARIS VARITIMIDIS and SEVASTI VARITIMIDIS, were married and residents of Pinellas County, Florida.
3. At all material times hereto, Defendant, PINELLAS COUNTY, was a state entity/agency that was authorized and conducting its business within Pinellas County, Florida.
4. Venue is proper in this Court pursuant to *Florida Statutes*, 47.011, as the cause of action accrued in this judicial circuit.
5. Plaintiffs have complied with all pre-suit requirements, including the sending of *Florida Statutes*, 768.28 notice letters. *Copies of said notices are attached to this complaint as composite*

"Exhibit A."

COUNT I

5. Plaintiff, THEOCHARIS VARITIMIDIS, re-alleges and adopts paragraphs one (1) through five (5) as if set out in full herein.

6. On or about January 27, 2013, Plaintiff, THEOCHARIS VARITIMIDIS, was properly operating his bicycle, traveling eastbound in the designated bicycle lane in or around Fred Howard Park in Tarpon Springs, Pinellas County, Florida.

7. On said date, Plaintiff, THEOCHARIS VARITIMIDIS, was properly exiting Fred Howard Park in the bicycle lane, when John Ervin, an employee of Defendant, PINELLAS COUNTY, while operating a golf cart owned by Defendant, PINELLAS COUNTY, improperly, carelessly, and/or negligently operated the golf cart while traveling in lane next to Plaintiff, THEOCHARIS VARITIMIDIS, and attempted to turn right into a parking spot and collided with Plaintiff thereby causing a collision in which Plaintiff suffered serious and permanent injury.

8. On said date, John Ervin was operating the subject golf cart with Defendant, PINELLAS COUNTY's express and/or implied permission, and was doing so within the course and scope of his employment.

9. As a direct and proximate result of the negligent conduct or omissions of John Ervin, for which the Defendant, PINELLAS COUNTY, is vicarious liable, Plaintiff, THEOCHARIS VARITIMIDIS, 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 her injuries.

WHEREFORE Plaintiff, THEOCHARIS VARITIMIDIS, demands a trial by jury and judgment against the Defendant, PINELLAS COUNTY, 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.

COUNT II

11. Plaintiff, SEVASTI VARITIMIDIS, re-alleges and adopts paragraphs one (1) through ten (10) as if set out in full hereafter.

12. At all material times hereto, Plaintiffs, THEOCHARIS VARITIMIDIS and SEVASTI VARITIMIDIS, have been husband and wife.

13. As a direct and proximate result of the negligent conduct or omissions of John Ervin, for which the Defendant, PINELLAS COUNTY, is vicariously liable, Plaintiff, SEVASTI VARITIMIDIS, has sustained the following past and future damages:

- a. Medical and related expenses incurred in seeking a cure for her husband's injuries; and

b. Loss of the comfort, companionship and consortium of her husband.

WHEREFORE Plaintiff, SEVASTI VARITIMIDIS, demands a trial by jury and judgment against the Defendant, PINELLAS COUNTY, 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 13th day of *November* 2013 in Palm Harbor, Florida.

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