

5/23/23 Litigation Report – Request for Authority to Initiate or Defend

This list does not include the following types of cases: (1) Workers' Comp (OJCC); (2) garnishments, (3) foreclosures, (4) Probate, (5) misdemeanor citations, (6) any bankruptcy cases that might involve debts owed to Alachua County; or (7) employee procedures and Collective Bargaining Agreements.

Alachua County, Petitioner, v.  
Jamar Williams, Respondent  
Case #2023-AP-0001

Diana Johnson/Corbin Hanson

The County Attorney seeks authority for her designee to file an appeal and otherwise take legal action against Jamar Williams, a resident of Alachua County. A dangerous dog hearing was requested by Mr. Williams regarding his dogs that resulted in severe injury to an individual, and a hearing was before a Hearing Officer pursuant to Section 72.15, Alachua County and Section 767.12, Florida Statutes. A Findings and Determination of Hearing Officer was entered on April 28, 2023, upholding the classification of Mr. William's dogs as dangerous dogs. The County seeks to appeal the penalty imposed. As the County is under a deadline to timely file an appeal to the proper court, said appeal was filed on May 9, 2023. Under Alachua County Code 21.41(e), the County Attorney is authorized and directed to take such action on behalf of the County as to protect the rights of the County in any legal action or to seek emergency relief, pending an opportunity to request required approval of the Board.

Jamar Williams, Plaintiff, v.  
Alachua County, Defendant  
Case #2023-SC-1586

Diana Johnson/Corbin Hanson

Jamar Williams, a resident of Alachua County, Florida filed legal action against Alachua County and the County Attorney seeks authority for her designee to proceed with legal action and defense in the case. Mr. Williams filed a replevin action seeking return of his dogs which are housed at the Alachua County Animal Shelter pending a dangerous dog investigation, hearing and appeal, pursuant to Chapter 72, Alachua County Code and Section 767.12, Florida Statutes. The Order to Show Cause in the case was served on the County on April 26, 2023, and an evidentiary hearing is scheduled before the Court on May 10, 2023. Under Alachua County Code 21.41(e), the County Attorney is authorized and directed to take such action on behalf of the County as to protect the rights of the County in any legal action or to seek emergency relief, pending an opportunity to request required approval of the Board.

J.S. as Mother and Next Friend of A.S., a minor  
child, and Individually, and J.S., Father of A.S., a  
minor child, Plaintiffs, vs. Alachua County, Defendant  
Case #2023-CA-2026

Bob Swain/Diana Johnson

This action, filed 3/16/23, is brought by the mother and father of a minor child (A.S.) for injuries that A.S. sustained on 9/17/20. On that date, a vehicle owned/driven by Luis Torres came through an open access gate onto a recreational field in Jonesville, and collided with A.S. The Complaint alleges

negligence of Alachua County for failure to properly inspect and maintain the access gate. At that time, there was a soccer event underway, being run by the Gainesville Soccer Alliance, which had an agreement with the County to enforce park rules and indemnify the County for their negligence. The County Attorney is seeking authority not only to defend the case against the County, but to file suit against the Gainesville Soccer Alliance should it become appropriate.

Sherry Cummisford, Plaintiff, vs. Alachua County,                      Bob Swain  
Ajax Building Company, LLC, Rentokil North  
America, Inc., d/b/a Florida Pest Control, and John Doe,  
as manager of Rentokil North America, Inc., Defendants  
Case #2023-CA-0205

This Complaint was filed on 1/13/23, and alleges negligence by the Defendants that resulted in damages due to a trip and fall accident that occurred on 4/9/21 at the Alachua County Agriculture and Equestrian Center.

Claranelle Clark, Plaintiff, vs. Alachua County                      Bob Swain  
Board of County Commissioners, Defendant  
Case #2023-CA-0997

This Complaint was filed on 3/17/23, and alleges negligence by Alachua County that resulted in damages due to a trip and fall accident that occurred on 10/26/21 on a sidewalk in Alachua County.

The Law Offices of Ronald E. Sholes, P.A., Plaintiff,                      Bob Swain  
vs. Alachua County Fire and Rescue, etc., Defendants  
Duval County Case #2022-CA-5161

This is an interpleader action that names numerous medical providers in addition to Alachua County Fire Rescue. It has been filed to seek an Order by the Court requiring all defendants to interplead in the case to settle all of the medical bills owed by defendant William Jarvis. The total amount of settlement funds is \$175,000, and the medical bills owed total \$344,533.77. Of that amount, William Jarvis owes Alachua County Fire Rescue \$670.26.

Matthew D. Benavidez, Plaintiff, vs. The Town of Avon,                      Bob Swain  
Alachua County Fire Rescue Services, et al., Defendants  
Case #2023-CA-0347

This Complaint is for non-monetary declaratory relief to declare the rights of Plaintiff Matthew Benavidez under the terms of a health insurance policy that Mr. Benavidez had while employed by the Town of Avon. During his employment, Mr. Benavidez was injured in an accident, necessitating treatment by Alachua County Fire Rescue, among other medical providers. The Town of Avon initially paid Mr. Benavidez's medical bills, but then ceased payment, and demanded reimbursement. The Plaintiff seeks a declaratory judgment from the Court that his accident was a covered loss under the policy.