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IN THE CIRCUIT COURT OF THE FOURTH
JUDICIAL CIRCUIT IN AND FOR DUVAL
COUNTY, FLORIDA

LOWELL STATON,

CASE NO:

Plaintiff,

v.

ELITE AUTO LOGISTICS, INC., and LARRY D.
WATSON

Defendants.

_____ /

COMPLAINT

COMES NOW, the Plaintiff, Lowell Staton, and files this lawsuit against Defendants Elite Auto Logistics, Inc. and Larry D. Watson and alleges as follows:

JURISDICTION, PARTIES, AND VENUE

1. This is an action for damages in excess of fifteen thousand dollars.
2. At all times material hereto, Plaintiff, Lowell Staton, was a resident of Duval County, Florida.
3. At all times material hereto, Defendant, Elite Auto Logistics, Inc. was and is a foreign corporation with an address located at 5906 Wilton Street, Pearland, Texas 77584.
4. Defendant, Elite Auto Logistics, Inc. ("Elite Auto") is subject to jurisdiction in the State of Florida because it: (1) operated, conducted, engaged in, or carried on business in Florida; (2) committed a tortious act in Florida; (3) caused injury to persons or property in Florida at or about the time that it was engaged in solicitation, services, or activities within Florida, at or about the time products or materials it manufactured were used or consumed within

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Florida in the ordinary course of commerce, trade, or use; or (4) engaged in substantial and not isolated activity within Florida.

5. At all times material hereto, Defendant, Larry D. Watson, was and is a resident of Harris County, Texas.

6. Defendant, Larry Watson, is subject to jurisdiction in the State of Florida because he: (1) operated, conducted, engaged in, or carried on business in Florida; (2) committed a tortious act in Florida; (3) caused injury to persons or property in Florida at or about the time that he was engaged in solicitation, services, or activities within Florida, at or about the time products or materials he manufactured were used or consumed within Florida in the ordinary course of commerce, trade, or use; or (4) engaged in substantial and not isolated activity within Florida.

7. At all times material hereto, Defendant, Larry Watson, was an employee of Elite Auto Logistics, Inc. and acting within the course and scope of his employment.

8. Venue is proper in Duval County, Florida.

GENERAL ALLEGATIONS

9. On or about February 2, 2015, the Defendant, Larry Watson, drove his tractor trailer on I-295, Jacksonville, Duval County, Florida.

10. At or about that time, the Plaintiff, Lowell Staton, was stopped for traffic in his motor vehicle on I-295, Jacksonville, Duval County, Florida.

11. At or about that time, the Defendant, Larry Watson, failed to stop in time for traffic that had stopped on I-295, Jacksonville, Duval County, Florida.

12. The Defendant, Larry Watson's, failure to stop caused a chain reaction crash that ultimately resulted in Plaintiff, Lowell Staton's, motor vehicle being struck by another motor vehicle.

13. At the time of the collision, Mr. Staton was wearing his seatbelt and did nothing to contribute to the collision.

14. As a result of the Defendant, Larry Watson's, failure to stop, he was cited (Citation No. A3GR1WE) by Florida Highway Patrol for Careless Driving in violation of Florida Statute § 316.1925(1).

15. On or about April 22, 2015, Defendant Larry Watson pled no contest to Careless Driving and was fined \$164.00.

16. As a result of the Defendant, Larry Watson's, negligence, the Plaintiff, Lowell Staton, suffered damages, including, but not limited to, an injury to his cervical spine that required multi-level disc surgery.

COUNT I – NEGLIGENCE

17. The Plaintiff incorporates by references paragraphs 1 – 16, above.

18. The Defendant, Larry Watson, had a duty to operate his motor vehicle in a careful, safe, prudent, and reasonable manner.

19. The Defendant, Larry Watson, violated that duty by failing to stop in time for traffic.

20. As a result, Plaintiff 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.

WHEREFORE, the Plaintiff demands judgment for any and all compensatory damages allowable by law against the Defendant, Larry D. Watson, together with any and all post-judgment interest and taxable costs allowable by law.

COUNT II – VICARIOUS LIABILITY

21. Plaintiff incorporates by reference paragraphs 1 – 20, above.

22. At all times material hereto, the Defendant, Larry Watson, was employed by Elite Auto Logistics, Inc. and was acting the course and scope of his employment and/or operated his motor vehicle with knowledge and/or implied and/or express consent of its owner, Elite Auto Logistics, Inc.

23. Defendant, Elite Auto, is vicariously liable for the negligence of its employee, Defendant, Larry Watson, under a doctrine of *respondeat superior*.

24. The Defendant, Elite Auto, is vicariously liable for the negligence of the Defendant, Larry Watson, as the owner of the motor vehicle that the Defendant, Larry Watson, drove at the time of the collision.

25. As a result, Plaintiff 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.

WHEREFORE, the Plaintiff demands judgment for any and all compensatory damages allowable by law against the Defendant, Elite Auto, together with any and all post-judgment interest and taxable costs allowable by law.

COUNT III – NEGLIGENT HIRING

26. Plaintiff incorporates by reference paragraphs 1 – 20, above.

27. The Defendant, Elite Auto, had a duty to make an appropriate investigation of Defendant. Larry D. Watson, prior to hiring but failed to do so.

28. An appropriate investigation would have revealed that the Defendant, Larry D. Watson, was unsuitable for the particular duty he was tasked with performing or for employment in general.

29. It was unreasonable for Defendant Elite Auto to hire Defendant Larry D. Watson in light of the information it knew or should have known.

30. As a result, Plaintiff 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.

WHEREFORE, the Plaintiff demands judgment for any and all compensatory damages allowable by law against the Defendant, Elite Auto, together with any and all post-judgment interest and taxable costs allowable by law.

COUNT IV – NEGLIGENT RETENTION

31. Plaintiff incorporates by reference paragraphs 1 – 20, above.

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32. The Defendant, Larry D. Watson, engaged in or showed the propensity to engage in conduct that was dangerous to others; to wit, unsafe driving.

33. The Defendant, Elite Auto, had actual and/or constructive that Defendant, Larry D. Watson, acted or in all probability would act in manner dangerous to others; to wit, unsafe driving.

34. The Defendant, Elite Auto, as the employer had the ability to control Defendant, Larry D. Watson, to the extent that Elite Auto could have substantially reduced the probability of harm to others, such as the Plaintiff, Lowell Staton.

35. The Plaintiff, Lowell Staton, was in fact injured by an act of Defendant, Larry D. Watson, to wit, unsafe driving.

36. The act, unsafe driving, could have been reasonably been anticipated by the Defendant, Elite Auto, and which, by exercising due diligence and authority over the Defendant, Larry D. Watson, the Defendant, Elite Auto, might have reasonably prevented the act.

37. As a result, Plaintiff 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.

WHEREFORE, the Plaintiff demands judgment for any and all compensatory damages allowable by law against the Defendant, Elite Auto, together with any and all post-judgment interest and taxable costs allowable by law.

DEMAND FOR JURY TRIAL

The Plaintiff demands a jury trial on all issues so triable as a matter of right.

Dated: November 28th, 2016

Respectfully submitted,

s/ Adam J. Langino, Esq.
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