

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

LOWELL STATON

CASE NO. 3:17-cv-306-J-25PDB

Plaintiff

v.

ELITE AUTO LOGISTICS INC AND LARRY D.
WATSON

Defendants.

v.

ELITE AUTO LOGISTICS INC AND LARRY D.
WATSON

Third Party Plaintiffs,

v.

JERRY BARRIS, JR.

Third Party Defendant.

_____ /

THIRD PARTY COMPLAINT

Defendants/Third-Party Plaintiffs, ELITE AUTO LOGISTICS, INC., and LARRY D. WATSON, by and through its undersigned counsel, and pursuant to Rule 14 of the Federal Rules of Civil Procedure, files this Third-Party Complaint against the Third-Party Defendant, JERRY BARRIS, and in support thereof states as follows:

1. This is an action for alleged damages, in excess of the jurisdictional amount of seventy-five thousand (\$75,000.00) dollars, exclusive of interest and costs.

2. At all times material, Plaintiff, Lowell Staton, was a resident of Duval County, Florida.

3. At all times material, Third-Party Plaintiff, Elite Auto Logistics, Inc., was and is a foreign corporation with its principle place of business in Pearland, Texas, and at all times material, Third-Party Plaintiff, Larry D. Watson, was a resident of the state of Texas.

5. At all times material, Third-Party Defendant, Jerry Barris, was and is a resident of Duval County, Florida.

6. Diversity Jurisdiction is proper pursuant to 28 U.S. Code § 1332 (1), as the adverse parties are citizens of different states.

GENERAL ALLEGATIONS

7. On November 28, 2016, the Plaintiff, Lowell Staton, filed its Complaint against Defendants/Third-Party Plaintiffs, ELITE AUTO LOGISTICS, INC., and LARRY D. WATSON, alleging that on February 2, 2015, Larry Watson, negligently drove his trailer on I-295 in Duval County, Florida within the course and scope of his employment with Third Party Plaintiff, Elite Auto Logistics, Inc.

8. Plaintiff alleges that as a result of Larry Watson's alleged failure to stop his vehicle caused a chain reaction crash resulting in a collision with Plaintiff's vehicle.

9. As a result of the incident, the Plaintiff claims to have suffered bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. Plaintiff further alleges that losses are either permanent or continuing and Plaintiff will suffer future losses.

COUNT I - CONTRIBUTION

10. At the time of the subject incident, Third-Party Defendant, Jerry Barris, breached its duty of care by negligently operating his motor vehicle by stopping his vehicle in the southbound travel lane on I-295 in Duval County, Florida.

11. As a result of the Third-Party Defendant's negligence, Plaintiff's vehicle abruptly swerved into the lane of travel of Third-Party Plaintiff, who was unable to stop his vehicle in time to avoid collision with Plaintiff's vehicle.

12. As a result of the Third-Party Defendant's acts, conduct, or omissions, the Plaintiff was allegedly injured and has commenced an action against the Defendants/Third-Party Plaintiffs, ELITE AUTO LOGISTICS, INC., and LARRY D. WATSON, alleging that ELITE AUTO LOGISTICS, INC., and LARRY D. WATSON's negligence caused his injuries.

13. The Third-Party Plaintiffs may incur liability for damages for payments to the Plaintiff, Lowell Staton, as a result of this lawsuit.

14. The Third-Party Plaintiffs, ELITE AUTO LOGISTICS, INC. and LARRY D. WATSON, are entitled to contribution from the Third-Party Defendant, JERRY BARRIS, pursuant to Rule 8 of the Federal Rules of Civil Procedure, for their proportionate share of any common liability to the Plaintiff for negligence which caused or contributed to the Plaintiff's injuries and damages.

WHEREFORE, Third-Party Plaintiffs, ELITE AUTO LOGISTICS, INC., and LARRY D. WATSON, hereby demand judgment, pursuant to Rule 8 of the Federal Rules of Civil Procedure, against Third-Party Defendant, JERRY BARRIS, and demand trial by jury of all issues so triable.

COLE, SCOTT & KISSANE, P.A.
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By: /s/ Daniel R. Duello
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to all counsel of record through electronic service utilizing the Court's CM/ECF system on this 29th day of March, 2017.

/s/ Daniel R. Duello
Attorney