

SASHA MADRIGAL, individually,
Plaintiff,

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

v.

CASE NO.:
JUDGE:

JOSE ERNESTO MENDOZA, individually,
and MITCHELL'S LAWN MAINTENANCE
CORP., a Florida Profit Corporation,

Defendants.

COMPLAINT

COMES NOW, the Plaintiff, **SASHA MADRIGAL**, an individual, by and through her undersigned counsel, and sues the Defendants, **JOSE ERNESTO MENDOZA, individually and MITCHELL'S LAWN MAINTENANCE CORP., a Florida Profit Corporation**, and alleges as follows:

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of **FIFTEEN THOUSAND (\$15,000.00) DOLLARS**, exclusive of interest and costs, and is otherwise within the jurisdictional limits of this Honorable Court.
2. That the Plaintiff, **SASHA MADRIGAL**, was and is a resident of Broward County, Florida and is otherwise sui juris.
3. That at all times material hereto, the Defendant, **JOSE ERNESTO MENDOZA**, was a resident of Miami-Dade County, Florida and is otherwise sui juris.
4. That at all times material hereto, Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, was and is a Florida corporation authorized to do business in the State of Florida and was doing business as a Lawn Maintenance company in Dade County, Florida on the date at

issue in this cause and is otherwise sui juris.

6. At all times material hereto, the Defendant, **JOSE ERNESTO MENDOZA**, was in control of a 2005 Ford F150 Pickup Truck bearing vehicle license number 987KMI and Vin #: 1FTRF12W75NA30622, which was involved in the subject incident.

7. On or about February 15, 2012, at Interstate 95, Miami-Dade County, Florida, Defendant, **JOSE ERNESTO MENDOZA**, was operating the 2005 Ford F150 Pickup Truck with the permission of his employer, Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, and/or within the course and scope of his employment as a Statutory Employee of Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, when he caused said Pickup Truck to come in contact with the motor vehicle being driving by the Plaintiff, **SASHA MADRIGAL**.

COUNT I
NEGLIGENCE AGAINST DEFENDANT
JOSE ERNESTO MENDOZA

Plaintiff realleges and reavers each and every allegation contained in Paragraphs 1 through 7 above as if more fully set forth herein

8. On or about February 15, 2012, Defendant, **JOSE ERNESTO MENDOZA**, was operating a 2005 Ford F150 Pickup Truck southbound on Interstate 95 in Miami-Dade County, Florida, when he failed to slow said vehicle timely, in observance of traffic slowing ahead of him, causing him to collide with the vehicle in front of him and then colliding into the plastic traffic barrier, crossing over into the express lane into the lane of traffic of the vehicle being driven by the Plaintiff, **SASHA MADRIGAL**.

9. That on the aforesaid date, Plaintiff, **SASHA MADRIGAL**, was operating a 1999 Honda CRV southbound on Interstate 95 in Miami-Dade County, Florida. At that same time and place, the Defendant, **JOSE ERNESTO MENDOZA**, having failed to yield the right of way of the

Plaintiff and entering Plaintiff's lane of traffic, caused Plaintiff to collide into the rear of the vehicle Defendant was operating at such a force that it caused Plaintiff's vehicle to rotate 180 degrees and then causing another vehicle to slam into Plaintiff.

10. At that time and place, the Defendant, **JOSE ERNESTO MENDOZA**, failed to exercise reasonable care in the operation and/or maintenance of the 2005 Ford F150 Pickup Truck, thus causing it to collide with several vehicles, including the vehicle being driven by the Plaintiff, **SASHA MADRIGAL**.

11. At all times material hereto, Defendant, **JOSE ERNESTO MENDOZA**, had a duty to exercise reasonable care while operating said 2005 Ford F150 Pickup Truck.

12. As a direct and proximate result of the negligence of Defendant, **JOSE ERNESTO MENDOZA**, the Plaintiff, **SASHA MADRIGAL**, was caused to suffer bodily injury and resulting pain and suffering, aggravation of pre-existing conditions, loss of earning and earning capacity, disability, disfigurement, mental anguish, loss of capacity of enjoyment of life, extensive hospitalization, medical care and treatment and costs associated therewith. These losses are either permanent or continuing in nature and Plaintiff, **SASHA MADRIGAL**, will suffer these losses and impairment in the future.

WHEREFORE, the Plaintiff, **SASHA MADRIGAL**, demands judgment against the Defendant, **JOSE ERNESTO MENDOZA**, an individual, for damages, together with costs incurred herein, and demands a trial by jury of all matters triable as a matter of right by jury.

COUNT II
DANGEROUS INSTRUMENTALITY
DEFENDANT, MITCHELL'S LAWN MAINTENANCE CORP.

Plaintiff realleges and reavers each and every allegation contained in Paragraphs 1 through 7 above as if more fully set forth herein.

13. Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, owned, controlled or otherwise had the right to control the subject vehicle which was being operated by the Defendant, **JOSE ERNESTO MENDOZA**, at the time and place of the subject accident.

14. Defendant, **JOSE ERNESTO MENDOZA**, was the Statutory Employee, agent or servant of the Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, a Florida profit corporation, acting within the course and scope of his Statutory Employment, agency, or service of the Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, and in furtherance of Defendant's business interests or was the permissive user of the Defendant's 2005 Ford F150 Pickup Truck at the time and place of the subject accident.

15. Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, either directly or vicariously through the Defendant, **JOSE ERNESTO MENDOZA**, owed a duty to the Plaintiff to adhere to the rights and/or the right-of-way afforded to Plaintiff.

16. That as a direct and proximate result of Defendant **MITCHELL'S LAWN MAINTENANCE CORP.**, directly or vicariously through the Defendant, **JOSE ERNESTO MENDOZA**, failed to adhere to their duty owed to the Plaintiff, by the Defendant's, **JOSE ERNESTO MENDOZA**, negligent and careless operation of the 2005 Ford F150 Pickup Truck, causing said truck to collide with the vehicle operated by the Plaintiff, **SASHA MADRIGAL**, and consequently, the Plaintiff suffered great mental and physical pain, suffered loss of dignity and privacy, was forced to undergo extensive medical treatment, and incurred medical expenses in the past and will incur medical expenses in the future.

WHEREFORE, the Plaintiff, **SASHA MADRIGAL**, demands judgment against the Defendant, **MITCHELL'S LAWN MAINTENANCE CORP.**, for damages, together with costs incurred herein, and demands a trial by jury of all matters triable as a matter of right by

jury.

DATED on this 29th day of December, 2015.

ROBERT E. GLUCK, P.A
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