

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO:

DOUGLAS E. FOWLER and MERCEDES  
RODRIGUEZ FOWLER, his wife,

Plaintiffs,

v.

GEICO GENERAL INSURANCE  
COMPANY,

Defendant.

5 2015 4000  
 ERIC LARSON TIME  
 DISTRICT JUDICIAL CIRCUIT  
 CERTIFIED PROCESS SERVER #063  
 INITIAL [Signature] BADGE#  
 DEPARTMENT OF FINANCIAL SERVICES  
 2015 MAY 28 AM 10:45  
 RECEIVED IN SERVICE M

**SUMMONS: SERVICE ON A CORPORATE ENTITY**

THE STATE OF FLORIDA:

To All and Singular the Sheriffs of the State:

YOU ARE HEREBY COMMANDED to serve this Summons and Complaint in this action on Defendant:

**GEICO GENERAL INSURANCE COMPANY**  
**Registered Agent: Chief Financial Officer**  
**200 E Gaines Street, Tallahassee, FL 32399**

Each defendant is required to serve written defenses to the complaint or petition on Plaintiff's attorney, to wit: Jorge P. Gutierrez, Jr., Freedland Harwin, PL, whose address is: 110 SE 6th Street, Suite 2300, Ft. Lauderdale, FL 33301, within 20 days after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint of petition.

COMMERCIAL SERVICES  
 2015 JUN -1 PM 2:44  
 5

DATED: MAY 26 2015, 2015.

HOWARD FORMAN  
As Clerk of said Court

By: \_\_\_\_\_  
As Deputy Clerk  
(Court Seal)



*Howard Forman*  
HOWARD C. FORMAN

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT, IN AND FOR  
BROWARD COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION :

CASE NO: CACE-15-009037 :

DOUGLAS E. FOWLER and MERCEDES  
RODRIGUEZ FOWLER, his wife, :

Plaintiffs, :

v. :

GEICO GENERAL INSURANCE  
COMPANY, :

Defendant.

---

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiffs, DOUGLAS E. FOWLER and MERCEDES RODRIGUEZ FOWLER, by and through undersigned counsel, and pursuant to Fla. R. Civ. P. 1.100, hereby sue Defendant, GEICO GENERAL INSURANCE COMPANY, and allege as follows:

**JURISDICTION, PARTIES, AND VENUE**

1. This is an action for damages that exceed Fifteen Thousand Dollars (\$15,000), exclusive of fees and costs.
2. At all times material hereto, Plaintiffs DOUGLAS E. FOWLER ("FOWLER") and MERCEDES RODRIGUEZ FOWLER; his wife, were residents of Miami-Dade County, Florida, over the age of 18, and otherwise sui juris.
3. At all times material hereto, Defendant GEICO GENERAL INSURANCE COMPANY ("GEICO") was a foreign corporation doing business and maintaining a permanent presence in Broward County, Florida.

4. The incident herein occurred in Broward County, Florida, and therefore venue is proper in this court.

**GENERAL ALLEGATIONS**

5. On or about November 26, 2012, FOWLER was traveling northbound on Douglas Road at NW 3rd Street in Broward County, Florida.
6. At that time and place, an underinsured vehicle operated by Samantha Robinson failed to stop behind FOWLER and collided with the rear of his vehicle.
7. FOWLER sustained injuries to himself and had no opportunity to avoid the collision.

**COUNT I – UNINSURED/UNDERINSURED MOTORIST CLAIM  
AGAINST GEICO GENERAL INSURANCE COMPANY**

8. Plaintiffs re-allege and incorporate paragraphs 1-7 as if fully set forth herein.
9. At all times material hereto, Defendant GEICO was an insurance company fully licensed and authorized to do business in the State of Florida and maintained offices, issued policies, investigated losses, and transacted business in Broward County, Florida, and insured vehicles that traveled throughout the roads of the State of Florida, including Broward County.
10. At all times material hereto, the uninsured motorist policies issued by Defendant GEICO to FOWLER inured to the benefit of Plaintiff, FOWLER.
11. At all times material hereto, FOWLER had uninsured motorist coverage inuring to his benefit under policy number 4235477611.

12. Plaintiff FOWLER is insured by Defendant GEICO for the damages he sustained in the rear-end collision and is entitled to the uninsured motorist coverage under the subject GEICO policy.

13. Plaintiff FOWLER has made a demand on Defendant GEICO for the damages she sustained in the rear-end collision, however, Defendant, GEICO has refused to tender the policy and thereby has breached its contractual obligations to Plaintiff FOWLER by not paying him the full amount of her damages within the coverage limits uninsured motorist insurance limits.

**WHEREFORE**, the Plaintiff, DOUGLAS E. FOWLER respectfully requests that this Court enter a Judgment against Defendant, GEICO GENERAL INSURANCE COMPANY, for compensatory damages, including, but not limited to, actual, consequential and other damages as permitted by law; and such further relief as this Court deems just and proper.

#### **COUNT II – LOSS OF CONSORTIUM**

14. Plaintiff MERCEDES RODRIGUEZ FOWLER re-alleges and incorporates paragraphs 1-7 as if fully set forth herein.

15. As a direct and proximate result of the above described negligence the Plaintiff, MERCEDES RODRIGUEZ FOWLER, has suffered the loss of her husband's consortium, including his services, comfort, companionship, society, and attentions in the past and will in the future, all of which are permanent and continuing in nature:

**WHEREFORE**, the Plaintiff, MERCEDES RODRIGUEZ FOWLER respectfully requests that this Court enter a Judgment against Defendant, GEICO GENERAL INSURANCE COMPANY, for compensatory damages, including, but not limited to, actual, consequential and other damages as permitted by law; and such further relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs, DOUGLAS E. FOWLER and MERCEDES RODRIGUEZ FOWLER, his wife, hereby demand trial by jury on all issues so triable by jury as a matter of right.

DATED: May 22, 2015

FREEDLAND HARWIN VALORI, PL  
110 SE 6th Street, Suite 2300  
Ft. Lauderdale, FL 33301  
Tel: 954-467-6400  
Fax: 954-670-2530

By: /s/ Jorge P. Gutierrez, Jr.  
JORGE P. GUTIERREZ, JR.  
Fla. Bar #: 189677  
Jorge@westonlawyers.com