

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

CIRCUIT CIVIL

CASE NO.

GRAEME HOLLOWAY as Executor and/or
Authorized Agent of the Estate of TATUM
HOLLOWAY,

Plaintiff,

v.

MARCOS ANTONIO GONZALEZ-
BALBOA

Defendant.

COMPLAINT

COMES NOW the Plaintiff, GRAEME HOLLOWAY as Executor and/or Authorized Agent of the Estate of TATUM HOLLOWAY, and sues the Defendant, MARCOS ANTONIO GONZALEZ-BALBOA and alleges as follows:

1. This is an action for damages in excess of \$15,000 exclusive of interest and costs.
2. At all times material hereto, the Plaintiff is or soon will be the duly appointed Executor and/or Authorized Agent of the Estate of Tatum Holloway, his deceased 26-year old daughter.
3. At all times material hereto, the Defendant MARCOS ANTONIO GONZALEZ-BALBOA is and was a resident of Miami-Dade County, Florida.
4. Venue is proper in this Court as all acts and occurrences giving rise to the cause of action asserted occurred in Miami-Dade County, Florida.

5. On or about December 7, 2017, Tatum Holloway was a pedestrian on or about Fairway Drive in Miami Lakes, Florida.

6. At that time, the Defendant MARCOS ANTONIO GONZALEZ-BALBOA was driving his vehicle in a reckless manner and failed to yield to Ms. Holloway, striking her with his vehicle. The Defendant then drove off, without stopping to render aid to Ms. Holloway or call 911.

7. Shortly thereafter, Ms. Holloway was found dead, face down near a gutter at the intersection of Miami Lakes Drive and Fairway Drive.

8. As a direct and proximate result of said incident, Tatum Holloway died and the Plaintiff was caused to suffer the following damages:

- a. On behalf of Debbie Holloway, individually, as the surviving mother of Tatum Holloway, compensation for her mental pain and suffering caused by the death of her daughter.
- b. On behalf of Graeme Holloway, individually, as surviving father of Tatum Holloway, compensation for his mental pain and suffering caused by the death of his daughter.
- c. On behalf of the estate, loss of prospective net accumulations which might reasonably have been expected but for the wrongful death, reduced to present value.
- d. Medical expenses.
- e. Funeral expenses.

COUNT I

The Plaintiff realleges paragraphs 1 – 8 as though set forth specifically herein and further alleges as follows:

9. Defendant MARCOS ANTONIO GONZALEZ-BALBOA had a duty to operate his vehicle in a non-negligent manner.

10. Defendant MARCOS ANTONIO GONZALEZ-BALBOA breached that duty and was negligent in at least the following respects:

- a. failing to yield to a pedestrian;
- b. failing to keep a proper lookout;
- c. driving too fast for the conditions;
- d. driving carelessly;
- e. failing to adequately brake and stop before striking Ms. Holloway;
- f. failing to keep his vehicle under control.

11. As a direct and proximate result of said negligence the Plaintiff was caused to suffer the damages described above.

WHEREFORE, the Plaintiff demands judgment from the Defendant and further demands a trial by jury of all claims triable as of right by a jury.

Dated this 27th day of March, 2018.

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