

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA

CASE NO.:

RYAN and his wife, \_\_\_\_\_

Plaintiff,

vs.

\_\_\_\_\_, as Personal Representative  
of the Estate of \_\_\_\_\_, deceased, and THE  
[TRAVELERS HOME AND MARINE INSURANCE  
COMPANY](#),

Defendants.  
\_\_\_\_\_ /

**COMPLAINT**

COMES NOW the Plaintiffs, RYAN and his wife, and sues the Defendants, JASON \_\_\_\_\_, as Personal Representative of THE ESTATE OF \_\_\_\_\_, deceased, and THE TRAVELERS HOME AND MARINE INSURANCE COMPANY and for cause of action alleges and avers as follows:

**ALLEGATIONS COMMON TO ALL COUNTS**

- 1) This is an action for money damages that exceed the sum of Fifteen Thousand Dollars (\$15,000.00), exclusive of costs, interest and attorneys' fees.
- 2) At all times material hereto, Plaintiff, RYAN, was/is a resident of CITY, \_\_\_\_\_ County, Georgia.
- 3) At all times material hereto, Plaintiff, WIFE, was/is a resident of CITY, \_\_\_\_\_ County, Georgia.
- 4) That at all times material hereto, decedent, \_\_\_\_\_, (hereinafter "HECK") was a resident of Clearwater, Pinellas County, Florida and/or became a non-

resident of the State of Florida.

5) JASON is the duly appointed and acting Personal Representative of the Estate of HECK Deceased. Said Estate is being administered in Pinellas County, Florida.

6) That all times material hereto, Defendant, TRAVELERS, (hereinafter "TRAVELERS") was and is a foreign corporation duly authorized to do business and issue policies of insurance in the State of Florida, with offices for the transaction of its regular and customary business in Pinellas County, Florida, and is subject to the jurisdiction of this Court pursuant to Florida Statute §§48.181 and 48.193.

7) That the motor vehicle crash giving rise to this lawsuit occurred at or near Clearwater, Pinellas County, Florida. That on or about January \_\_\_\_, 2016, decedent HECK, owned and maintained a motor vehicle that was operated, on January \_\_\_\_, 2016, at or near \_\_\_\_\_ Rd (SR \_\_\_\_\_) and \_\_\_\_\_ Blvd (SR \_\_\_\_\_) in Clearwater, Pinellas County, Florida. At the above-stated time and place, the decedent, HECK, negligently operated or maintained the aforesaid motor vehicle such that it collided with a motor vehicle being operated by the Plaintiff, RYAN.

8) As a direct and proximate result of the negligence of the Decedent, HECK, as aforesaid, the Plaintiff, RYAN, sustained bodily injury and resulting [pain and suffering](#), disability, permanent scarring and disfigurement, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money in the future, and aggravation of a pre-existing condition. These losses are permanent or continuing in nature, and the Plaintiff will suffer these losses indefinitely into the future.

9) As a further direct and proximate result of the negligent acts and omissions of the tortfeasor, Decedent, HECK, as aforesaid, the Plaintiff, RYAN'S WIFE, has lost the comfort, companionship, society and consortium of her husband, RYAN, and will continue to suffer such losses indefinitely into the future.

10) That the injuries of the Plaintiff, RYAN, and the resulting damages of the Plaintiffs, RYAN

and WIFE, were caused and/or substantially contributed to by the negligence of the tortfeasor, HECK.

**COUNT I**

**NEGLIGENCE AGAINST DEFENDANT JASON \_\_\_\_\_, as Personal Representative  
of the Estate of \_\_\_\_\_ HECK, deceased**

- 11) Plaintiff realleges the allegations contained within paragraphs 1-10, and incorporates them herein by this reference.
- 12) At the above-stated time and place, the decedent, HECK, negligently operated or maintained the aforesaid motor vehicle such that it collided with a motor vehicle being operated by the Plaintiff, RYAN.
- 13) As a direct and proximate result of the negligence of the Decedent, HECK, as aforesaid, the Plaintiff, RYAN, sustained bodily injury and resulting pain and suffering, disability, permanent scarring and disfigurement, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money in the future, and aggravation of a pre-existing condition. These losses are permanent or continuing in nature, and the Plaintiff will suffer these losses indefinitely into the future.
- 14) As a further direct and proximate result of the negligence of the underinsured owner and operator of the motor vehicle at fault in the above-described collision of January \_\_\_\_, 2016, as aforesaid, the Plaintiff, RYAN'S WIFE, has lost the comfort, companionship, society and consortium of her husband, RYAN, and will continue to suffer such losses indefinitely into the future.

15) Based upon the foregoing allegations, the Plaintiffs, RYAN and WIFE, his wife, are entitled to recover said damages from the Defendant, JASON, as Personal Representative of the Estate of Heck, deceased.

WHEREFORE, the Plaintiffs, RYAN and WIFE, his wife, demand judgment for damages against the Defendant, JASON, as Personal Representative of the ESTATE of HECK together with his costs in and about this suit expended, and demands trial by jury of all issues triable as of matter of right by jury.

**COUNT II - UNDERINSURED MOTORIST CLAIM AGAINST TRAVELERS**

16) Plaintiff, RYAN, realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 10 above and for further cause of action allege and aver as follows:

17) At the time of the subject collision, Defendant, TRAVELERS, issued a policy of automobile insurance coverage, including protection against uninsured and underinsured motorists, the same policy being Policy number \_\_\_\_\_ to the Plaintiff, RYAN, as named insured. The said policy of insurance insured and/or covers the vehicle which the Plaintiff, RYAN, was operating at the time of the motor vehicle collision of January \_\_\_\_, 2016 involving the tortfeasor, HECK as previously alleged, and further covered the Plaintiff, RYAN, as an insured person, for injuries and damages caused by uninsured and/or underinsured motorist for the collision of January \_\_\_\_, 2016.

18) That Policy Number \_\_\_\_\_, issued by TRAVELERS to RYAN, was in full force and effect on January \_\_\_\_\_ 2016, at the time of the motor vehicle accident giving rise to this lawsuit. A copy of the policy of insurance, as provided by Defendant, TRAVELERS, is attached as Exhibit "A".

19) That at the time of the motor vehicle accident on January \_\_\_\_, 2016, the owner(s) and operator of the vehicle at fault for the collision, decedent HECK, did not carry bodily injury liability insurance coverage sufficient to satisfy the damages incurred by the Plaintiff, and was therefore an "uninsured motorist" within the meaning and intent of Florida Statutes §627.727(3), the Georgia Code and the terms of Policy Number \_\_\_\_\_.

20) That as a direct and proximate result of the negligence of the underinsured owner and operator of the motor vehicle at fault in the above-described collision January \_\_\_\_\_, 2016, the Plaintiff, RYAN, has sustained bodily injury and resulting pain and suffering, disability, permanent scarring and disfigurement, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization,

medical and nursing care and treatment, loss of earnings, loss of the ability to earn money in the future, and aggravation of pre-existing medical conditions. These losses are permanent or continuing in nature, and the Plaintiff will suffer these losses indefinitely into the future.

21) As a further direct and proximate result of the negligence of the underinsured owner and operator of the motor vehicle at fault in the above-described collision of January \_\_\_\_\_, 2016, as aforesaid, the Plaintiff, Ryan's WIFE, has lost the comfort, companionship, society and consortium of her husband, RYAN and will continue to suffer such losses indefinitely into the future.

22) Based upon the foregoing allegations, Plaintiffs RYAN and Ryan's WIFE are entitled to recover damages from the Defendant, TRAVELERS, in accordance with the provisions of Florida Statutes §627.727, Georgia Code and the terms of Policy Number \_\_\_\_\_.

WHEREFORE, the Plaintiff, RYAN and Ryan's WIFE demands judgment for damages against the Defendant, TRAVELERS, together with their costs in and about this suit expended, and further demand trial by jury of all issues triable as a matter of right by jury.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

**By:**

\_\_\_\_\_  
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