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IN THE CIRCUIT COURT OF THE  
11<sup>th</sup> JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CASE NO.:

ANDREA MIRABAL, a single woman,

Plaintiff,

vs.

CHRISTOPHER JOHN PETRICONE, JR.,  
and LOTSPEICH COMPANY, INC.,  
a Florida corporation;

Defendants.

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**PLAINTIFF'S COMPLAINT FOR DAMAGES**

COMES NOW the Plaintiff, ANDREA MIRABAL, by and through the undersigned attorneys, and sues the Defendants, CHRISTOPHER JOHN PETRICONE, JR. and LOTSPEICH COMPANY, INC., a Florida Corporation, and as grounds therefore would state:

**Parties, Jurisdiction, and Venue**

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00) and is therefore within the jurisdictional limits of this Court.
2. At all times material hereto, the Plaintiff, ANDREA MIRABAL, (hereinafter referred to as "Plaintiff"), was a resident of Plantation, Broward County, Florida and is sui juris.
3. At all times materials hereto, the Defendant, CHRISTOPHER JOHN

PETRICONE, JR. (hereinafter referred to as "PETRICONE"), was and is a resident of Coral Gables, Miami-Dade County, Florida.

4. At all times material hereto, the Defendant, LOTSPEICH COMPANY, INC., (hereinafter referred to as "LOTSPEICH") was and is a Florida Corporation, authorized to do business, and which is in fact doing business in Miami-Dade County, Florida.

5. Venue is proper as all acts complained of in Plaintiff's Complaint for Damages occurred in Miami-Dade County, Florida.

**Facts Common to All Counts**

6. On or about December 21, 2015, the Defendant, PETRICONE, operated his vehicle in such a careless manner so as to negligently collide with the Plaintiff's vehicle.

7. On or about December 21, 2015, and at all times germane, Defendant, PETRICONE, was acting within the course and scope of his employment with Defendant, LOTSPEICH, when the accident occurred.

8. At all times material hereto, Christopher John Petricone, Sr. was the registered owner of a 2012 Jeep Cherokee, VIN# 1C4RJFCG3CC272321, which was being operated by Defendant, PETRICONE, with the full knowledge, permission, and consent of Christopher John Petricone, Sr. when the subject accident occurred.

9. As a direct and proximate result of the above referenced accident, Plaintiff sustained serious, permanent, continuing bodily injury, and disability.

**COUNT I**  
**NEGLIGENCE OF CHRISTOPHER JOHN PETRICONE, JR.**

Plaintiff realleges and reavers Paragraphs 1 through 9 as if fully set forth herein and would further state:

10. On December 21, 2015, Defendant, PETRICONE, operated the motor vehicle he was driving in such a careless and negligent manner so as to cause, and/or substantially contribute to cause, the accident which injured Plaintiff.

11. As a direct, proximate and foreseeable result of the negligence of the Defendant, PETRICONE, the Plaintiff has suffered and will continue to suffer the following, including but not limited to:

- a. bodily injury;
- b. pain and suffering;
- c. serious permanent disability;
- d. disfigurement;
- e. mental anguish;
- f. loss of capacity for the enjoyment of life;
- g. expense of hospitalization;
- h. medical and nursing care and treatment;
- i. loss of earnings;
- j. loss of ability to earn money; and
- k. aggravation of a previously existing condition.

12. These losses are permanent and continuing and Plaintiff will suffer the losses in the future.

13. At all times material hereto, the injuries sustained by the Plaintiff as a result of the subject accident, have exceeded all applicable No-Fault Thresholds in the State of Florida.

WHEREFORE, Plaintiff, ANDREA MIRABAL, demands judgment for any and all allowable damages against the Defendant, CHRISTOPHER JOHN PETRICONE, JR., pursuant to Florida law, together with interest (on all sums to which interest is applicable under Florida law), and taxable costs.

**COUNT II**  
**VICARIOUS LIABILITY OF LOTSPEICH COMPANY, INC.**

Plaintiff realleges and reavers Paragraphs 1 through 9 as if fully set forth herein and would further state:

14. At all times relevant to Plaintiff's Complaint for Damages, Defendant, LOTSPEICH, was the employer of the Defendant, PETRICONE, who was acting in the course and scope of his employment on behalf of Defendant, LOTSPEICH, at the time and place of the subject accident.

15. As such, Defendant, LOTSPEICH, is vicariously liable to the Plaintiff for all injuries sustained as a direct and proximate cause of Defendant, PETRICONE's, negligence.

16. As a direct, proximate and foreseeable result of the negligence of the Defendant, PETRICONE, the Plaintiff has suffered and will continue to suffer the following, including but not limited to:

- a. bodily injury;
- b. pain and suffering;
- c. serious permanent disability;
- d. disfigurement;
- e. mental anguish;
- f. loss of capacity for the enjoyment of life;

