

IN THE CIRCUIT COURT, NINTH
JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA.

CASE NO. 2009-CA-019638-O

JON V. LEPORE,

Plaintiff,

vs.

AMERICAN COACH LINES OF
ORLANDO, INC., a Florida corporation,

Defendant.

_____ /

SECOND AMENDED COMPLAINT

The Plaintiff, JON V. LEPORE, (hereinafter, "LEPORE"), sues AMERICAN COACH LINES OF ORLANDO, INC., a Florida for profit corporation, (hereinafter "AMERICAN COACH") and alleges:

ALLEGATIONS COMMON TO ALL COUNTS

1. At all times material hereto, AMERICAN COACH was a Florida for profit corporation authorized to conduct business in the State of Florida.
2. At all times material hereto, AMERICAN COACH was operating a shuttle service for students at the University of Central Florida in Orlando, Orange County, Florida.
3. At all times material hereto, LEPORE was a student at the University of Central Florida and was a resident of Orlando, Orange County, Florida.
4. That all facts giving rise hereto occurred in Orange County, Florida.
5. At all times hereto, the driver of the bus was an employee or agent of AMERICAN COACH and was acting within the scope of his employment.

6. On or about December 2, 2008, LEPORE was a passenger in a commercial carrier owned and operated by AMERICAN COACH. As LEPORE was riding to class in the shuttle, the shuttle came to a sudden and violent stop because the driver of the shuttle applied the brakes in an abrupt manner.

7. As a direct and proximate result of the stop, LEPORE was thrown forward several feet and collided with a plexiglass barrier behind the driver.

8. LEPORE was briefly knocked unconscious.

9. LEPORE was transported to the hospital following the accident.

COUNT I – VICARIOUS LIABILITY OF AMERICAN COACH

10. Plaintiff realleges and reaffirms Paragraphs 1 – 9 above as if they were fully alleged and pled herein.

11. This is an action for damages which exceeds \$15,000.

12. At all times material hereto, AMERICAN COACH, its agents and employees, including the bus driver, owed a duty to passengers such as LEPORE to exercise a reasonable degree of care with respect to the operation of its transport bus shuttles.

13. AMERICAN COACH, its agents and employees breached this duty by failing to use reasonable due care so as to avoid making sudden stops such as the one that caused LEPORE'S injuries.

14. As a direct and proximate result of the negligence of AMERICAN COACH, its agents and/or employees, LEPORE suffered bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, hospitalization and medical expenses, lost wages and the loss of

capacity to earn wages, and aggravation of a previously existing condition. These losses are either permanent or continuing and LEPORE will suffer these losses in the future.

15. AMERICAN COACH, as principal, is liable for the negligent actions of its agents and employees, including the bus driver.

WHEREFORE, LEPORE respectfully requests that this Court enter judgment against AMERICAN COACH for compensatory damages and any such other relief as this Court shall deem necessary and proper and demands a trial by jury on all issues so triable.

**COUNT II – LIABILITY OF AMERICAN COACH PURSUANT TO
FLORIDA’S DANGEROUS INSTRUMENTALITY DOCTRINE**

16. Plaintiff realleges and reaffirms Paragraphs 1 – 9 above as if they were fully alleged and pled herein.

17. This is an action for damages which exceed \$15,000.

18. AMERICAN COACH owned the shuttle bus at issue in this case.

19. The shuttle bus was a dangerous instrumentality when it was operated on the highways of the State of Florida.

20. AMERICAN COACH, as the owner of the above-referenced dangerous instrumentality, had entrusted its use to its employee, the bus driver.

21. The bus driver, who was an agent or employee of AMERICAN COACH, at all times material hereto, acted negligently as described in Paragraphs 12 and 13 herein while driving the dangerous instrumentality owned by AMERICAN COACH on the public highways of the State of Florida when he failed to remain alert and pay attention to the road thereby causing him to have to brake suddenly and sharply, causing LEPORE to fly forward and slam into the plexiglass barrier between the driver and LEPORE, causing LEPORE to lose consciousness.

22. As a direct and proximate result of the negligence of AMERICAN COACH and its employee, the bus driver with respect to the use of the dangerous instrumentality, LEPORE suffered bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, hospitalization and medical expenses, lost wages and the loss of capacity to earn wages, and aggravation of a previously existing condition. These losses are either permanent or continuing and LEPORE will suffer these losses in the future.

WHEREFORE, LEPORE respectfully requests that this Court enter judgment against AMERICAN COACH for compensatory damages and any such other relief as this Court shall deem necessary and proper and demands a trial by jury on all issues so triable.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a true and correct copy of the foregoing has been furnished by mail to JOSEPH P. MENELLO, ESQUIRE of Wicker, Smith, O'Hara, McCoy & Ford, P.A., Attorneys for Defendant, Post Office Box 2753, Orlando, Florida 32802, this _____ day of May, 2010.

BLANCHARD, MERRIAM
ADEL & KIRKLAND, P.A.

By _____
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