

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.:

JOYANN LEVITT,

Plaintiff,

v.

CITY OF COCONUT CREEK and  
DONNA ANN VANDYNE, an individual,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, JOYANN LEVITT (“Plaintiff”), by and through the undersigned counsel, sues Defendant, CITY OF COCONUT CREEK (“CITY”), and DONNA ANN VANDYNE (“DONNA”) and states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action as it seeks damages in excess of \$50,000.00, exclusive of interest, costs, and fees resulting from a motor vehicle accident.
2. At all times material hereto, Plaintiff, JOYANN LEVITT, was an individual, and resided in Palm Beach County, Florida, and is otherwise *sui juris*.
3. At all times material hereto, Defendant, CITY OF COCONUT CREEK was and is a municipality in Broward County existing under the laws of the State of Florida.
4. At all times material hereto, Defendant Donna Ann Vandyne was an individual and upon information and belief, resided in Palm Beach County, Florida and is otherwise *sui juris*.
5. Venue is proper in this judicial circuit under Section 47.011 of the Florida Statutes because the motor vehicle accident from which this cause of action accrues occurred in Broward County, Florida.
6. All conditions precedent to the maintenance of this action have been met, performed, or otherwise waived.

7. Plaintiff has retained the undersigned law firm to protect her interests herein and has agreed to pay the undersigned law firm a reasonable fee for its services.

8. Plaintiff JOYANN LEVITT is deceased. No estate has yet been opened, and no personal representative has been appointed. This action is filed to preserve Plaintiff's claims, and Plaintiff expressly reserves the right to amend this Complaint to substitute the proper party in interest pursuant to applicable law once a duly authorized representative is identified.

9. There is an election of remedies between a survival claim and a wrongful death claim that must be made prior to the entry of final judgment, and will make any required election in accordance with Florida law and will, as necessary, move to amend the pleadings, substitute or join the proper party or parties, and conform the claims to the capacity in which the action will proceed, so that final judgment, if any, reflects only the elected remedy.

10. Survival damages are being sought pursuant to Florida law.

### **GENERAL ALLEGATIONS**

11. At all times material hereto, the CITY, by and through the Coconut Creek Police Department, employed Officer Amanda Leigh Cummings ("**Officer Cummings**").

12. At all times material hereto, Defendant CITY owned, maintained, and/or controlled that certain police vehicle, a 2020 Chevrolet Tahoe SVU, (VIN # 1GNLCDEC8LR219214), Florida License XH6165 (the "**Vehicle**").

13. On or about February 1, 2024, the CITY's employee, Officer Cummings was the driver of that certain police Vehicle.

14. On February 1, 2024, CITY permitted and authorized its employee, Officer Cummings, to operate, maintain and control said police Vehicle.

15. On February 1, 2024, DONNA, was the owner, operator and insured of that certain 2020 Jeep Latitude (VIN#1C4PJLLB7LD610968, Florida License Z65JXI (the "**Second Vehicle**")

On or about February 1, 2024, Plaintiff was the seat-belted passenger in that certain 2021 Hyundai Sonata and was traveling Eastbound on Forest Hill Boulevard in the first Thru-Lane, in stop and go traffic in Palm Beach County, Florida.

16. On or about February 1, 2024, the CITY's employee, Officer Cummings, while operating the CITY's police Vehicle, carelessly and negligently operated and/or maintained control of the Vehicle while traveling Eastbound on Forest Hills Boulevard in Palm Beach County, Florida.

17. At the above-described time and place, CITY's employee, Officer Cummings, was inattentive in the operation of her Vehicle as she approached the vehicle directly behind the vehicle that the Plaintiff was a seat belted passenger in, colliding with the vehicle directly in front of Officer Cummings' vehicle, causing that vehicle to then collide with the vehicle that the Plaintiff was a seat belted passenger in.

18. As a result of CITY's employee, Officer Cummings's reckless and negligent operation, Officer Cummings caused the police Vehicle to collide with the vehicle in front of her, causing that vehicle to then collide with the rear side of vehicle that the Plaintiff was a seat belted passenger in. (the "Collision"). Due to the force and severity of the Collision, Plaintiff suffered significant personal injuries, including, but not limited to, Thoracic Spine compression fractures at T7, T8, T9 and T12, Cervical Spine Grade 1 spondylolistheses, severe right foraminal stenosis at C3/4 and C4/5, moderate left foraminal stenosis at C4-5, ankylosis of facet joints, right side neck pain that is constant as well as right side shoulder pain, right jaw pain with pain radiating down the right arm, right-side low back pain and pain radiating down the right leg to the level of her knee Plaintiff's injuries are permanent in nature, ongoing and will require future medical care and treatment.

**COUNT I – NEGLIGENCE**  
**DEFENDANT, CITY OF COCONUT CREEK**

19. Plaintiff, JOYANN LEVITT, realleges and reavers Paragraphs 1 through 18 of this Complaint as if fully set forth herein.

20. At all times material hereto, Officer Cummings, as an employee of the Coconut

Creek Police Department, drove and operated the police Vehicle with the knowledge and consent of the CITY.

21. On or about February 1, 2024, a police Vehicle owned, controlled, and maintained by the CITY, was negligently operated by an employee of the City—Officer Cummings—, in such a negligent manner that it collided with the vehicle in front of her, which caused that vehicle to collide with the vehicle that the Plaintiff was a seat belted passenger.

22. The CITY owed Plaintiff a duty of care to operate or maintain control of the police Vehicle, in a reasonably safe and prudent manner and free from all actions that would be dangerous and unsafe or present an unreasonable risk of harm to Plaintiff.

23. On or about February 1, 2024, the CITY, by and through its employees, servants, and/or agents, breached its duty of care to Plaintiff when it recklessly and negligently operated and/or maintained control of the police Vehicle and caused the Collision, amongst other negligent acts that may be found during discovery.

24. The CITY's acts of negligence were the direct and proximate cause of the injuries sustained by Plaintiff in the Collision.

25. Plaintiff was free from any negligence contributing to the Collision.

26. As a direct and proximate result of the negligence of the CITY, Plaintiff has been forced to incur medical bills, and has suffered significant, permanent bodily injuries resulting in severe physical pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care treatment, aggravation of preexisting injuries, if any, lost wages, if any, and loss of the ability to earn wages, if any, and other unidentified consequential damages. Plaintiff's losses are permanent and continuing in nature and she will suffer losses in the future.

**WHEREFORE**, Plaintiff, JOYANN LEVITT, demands judgment against Defendant, CITY OF COCONUT CREEK, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) as

compensatory damages, together with interest and costs, and any further relief that the Court may deem just and proper under the circumstances.

**COUNT II - NEGLIGENCE**

**DEFENDANT DONNA ANN VANDYNE**

27. Plaintiff, JOYANN LEVITT, realleges and reavers Paragraphs 1 through 18 of this Complaint as if fully set forth herein.

28. On or about February 1, 2024, DONNA was inattentive while driving her vehicle too closely to Plaintiff causing her to collide with the rear of the vehicle that the Plaintiff was a seat belted passenger among other negligent actions/inactions.

29. DONNA owed Plaintiff a duty of care to operate or maintain control of the Vehicle, in a reasonably safe and prudent manner and free from all actions that would be dangerous and unsafe or present an unreasonable risk of harm to Plaintiff.

30. On or about February 1, 2024, DONNA breached her duty of care to Plaintiff when she recklessly and negligently operated and/or maintained control of the Vehicle and caused the vehicle to collide with the rear of the vehicle that the Plaintiff was a seat belted passenger, amongst other negligent acts that may be found during discovery.

31. DONNA's acts of negligence were the direct and proximate cause of the injuries sustained by Plaintiff in the Collision.

32. Plaintiff was free from any negligence contributing to the Collision.

33. As a direct and proximate result of the negligence of the DONNA, Plaintiff has been forced to incur medical bills, and has suffered significant, permanent bodily injuries resulting in severe physical pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care treatment, aggravation of preexisting injuries, if any, lost wages, if any, and loss of the ability to earn wages, if any, and other unidentified consequential damages. Plaintiff's losses are permanent and continuing in nature and she will suffer

losses in the future.

**WHEREFORE**, Plaintiff, JOYANN LEVITT, demands judgment against Defendant, DONNA ANN VANDYNE, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) as compensatory damages, together with interest and costs, and any further relief that the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiff, JOYANN LEVITT, further demands trial by jury as to all issues so triable as a matter of right.

Dated this 30th day of January, 2026.

Respectfully submitted,

s/ Adam J. Steinberg

Adam J. Steinberg (Florida Bar No.: 389579)

*Attorney for Plaintiff*

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