

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

CIVIL DIVISION.

CASE NO.:

COLETTE MEDIAVILLA,

Plaintiff,

vs.

CITY OF WEST PALM BEACH,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, COLETTE MEDIAVILLA, by and through her undersigned counsel, and hereby sues the Defendant, CITY OF WEST PALM BEACH, and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of the sum of Fifty Thousand Dollars (\$50,000.00), exclusive of costs, interest and attorney's fees.
2. At all times material hereto, Plaintiff, COLETTE MEDIAVILLA, was a resident of Palm Beach County, Florida.
3. At all times material hereto, Defendant, CITY OF WEST PALM BEACH, was a municipal corporation organized and existing under the laws of the State of Florida, doing business in Palm Beach County, Florida.
4. At all times material hereto, Defendant, CITY OF WEST PALM BEACH, owned, operated, managed and/or was in control of a public recreational park located at 4715 S Dixie Highway, West Palm Beach, FL 33405 (hereinafter referred to as "PHIPPS PARK").

NEGLIGENCE CLAIM AGAINST DEFENDANT, CITY OF WEST PALM BEACH

5. Plaintiff, COLETTE MEDIAVILLA, hereby realleges and reavers each and every allegation contained in paragraphs 1 through 4 above as though fully set forth herein.

6. On or about March 9, 2025, Defendant, CITY OF WEST PALM BEACH, owned, operated, maintained, managed and/or was in control of PHIPPS PARK.

7. At the time and place aforesaid, Plaintiff, COLETTE MEDIAVILLA, was lawfully upon the premises, PHIPPS PARK, which was owned, operated, maintained, managed, and/or controlled by Defendant as an invitee and member of the general public, having been expressly or impliedly invited to use the premises for their intended purpose. Plaintiff, COLETTE MEDIAVILLA, was injured while walking to watch a baseball game in PHIPPS PARK when she tripped on a raised and dangerous edge of pavers.

8. At all times material hereto, the subject uneven surface which created the subject dangerous condition on Defendant's premises caused Plaintiff, COLETTE MEDIAVILLA, to fall to the ground resulting in serious injury.

9. At the time and place aforesaid, Defendant, CITY OF WEST PALM BEACH, through its agents, servants and/or employees, while acting within the scope and course of such agency or employment, were negligent in one or more of the following ways:

- a. Failing to maintain the premises and/or its areas of ingress and egress in a reasonably safe condition.
- b. Failing to maintain, repair, and/or inspect the sidewalks at PHIPPS PARK to ensure they were safe for all invitees, to include Plaintiff, COLETTE MEDIAVILLA.
- c. Failing to correct a dangerous condition that it knew or reasonably should have known existed.

- d. Failing to warn Plaintiff about a dangerous condition that the Defendant reasonably did or reasonably should have had superior knowledge about and that Plaintiff did not know existed.
 - e. Failing to correct a dangerous condition that occurred with regularity and that was therefore foreseeable.
 - f. Failing to train its employees in the proper methods of inspecting for, cleaning up and/or warning about a dangerous condition that the Defendant knew or should have known existed or that occurred with regularity and that was therefore foreseeable.
 - g. Creating the condition by its business activities and the activities of its agents, employees, vendors, suppliers and/or authorized representatives.
 - h. By engaging in a negligent or unreasonable mode of business operation.
 - i. In constructing, repairing, replacing or maintaining its premises in violation of applicable building codes, statutes and ordinances.
 - j. The condition occurred with regularity and was therefore foreseeable.
 - k. In other ways to be determined in discovery.
10. Defendant, CITY OF WEST PALM BEACH, had actual or constructive knowledge of the dangerous condition at PHIPPS PARK and failed to take action to remedy it.
11. Defendant, CITY OF WEST PALM BEACH, its agents, servants, and/or employees acting within the course and scope of such agency, service or employment, had a non-delegable duty to the general public to properly maintain said premises at PHIPPS PARK in a reasonably safe condition for the general public while they were on the premises, especially in view of the fact that such condition was known or should have been known to Defendant.
12. As a direct and proximate result of the negligence of Defendant, CITY OF WEST PALM BEACH, Plaintiff, COLETTE MEDIAVILLA, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings and loss of

ability to earn money. The losses are either permanent or continuing in nature and Plaintiff, COLETTE MEDIAVILLA, will suffer the losses and impairment in the future.

WHEREFORE, Plaintiff, COLETTE MEDIAVILLA, demands judgment for damages against the Defendant, CITY OF WEST PALM BEACH, plus costs and post judgment interest and further demands trial by jury.

DATED this 9th day of June, 2026.

/s/Daniel C. Jensen

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