

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY,
CIRCUIT CIVIL DIVISION**

PETER MUSANTE, on Behalf of
JOHN GRAZIANO, as Guardian of
the Property
Plaintiff,

CASE NO: _____

DIVISION: _____

-vs-

TERRY BOLLEA, Individually,
LINDA BOLLEA, Individually, NICHOLAS BOLLEA, a
Minor and
DANIEL JACOBS, Individually

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, **PETER MUSANTE, on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendants, **TERRY BOLLEA, Individually, LINDA BOLLEA, Individually, NICHOLAS BOLLEA, a Minor, and DANIEL JACOBS, Individually** for negligence and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceed \$15,000.00, exclusive of attorneys' fees, interest, and costs.
2. **JOHN GRAZIANO**, at all material times was a resident of Pinellas County, Florida.
3. **JOHN GRAZIANO**, was determined to be incapacitated on or about December 12, 2007 by Pinellas County Circuit Court Judge Lauren Laughlin.

4. On or about December 12, 2007, **PETER MUSANTE**, was appointed the Guardian of **JOHN GRAZIANO's** property. *See attached Letters of Plenary Guardianship of the Property as Exhibit "A"*

5. **PETER MUSANTE**, as the Guardian of the Property for **JOHN GRAZIANO**, is the proper party to bring this suit on behalf of **JOHN GRAZIANO**.

6. The Defendant, **NICHOLAS BOLLEA**, at all material times was the minor child of the Defendants, **TERRY BOLLEA AND LINDA BOLLEA**.

7. At all material times, Defendant, **TERRY BOLLEA**, was a resident of Pinellas County.

8. At all material times, Defendant, **LINDA BOLLEA**, was a resident of Pinellas County.

9. At all material times Defendant, **NICHOLAS BOLLEA**, was a resident of Pinellas County.

10. At all material times, Defendant, **DANIEL JACOBS**, was a resident of Pinellas County.

11. Defendant, **TERRY BOLLEA** signed as the responsible party for his minor son, **NICHOLAS BOLLEA** to obtain a Florida Drivers License.

12. On or about July 27, 2005 **NICHOLAS BOLLEA** obtained a Florida Driver's License, number B400-621-90-267-0.

13. At all material times Defendants, **TERRY BOLLEA and NICHOLAS BOLLEA** jointly owned a model year 1998 Toyota Supra that can be classified as a motor vehicle, a dangerous instrumentality, bearing Vehicle Identification Number JT2DE82AW1003140.

14. At all material times Defendant, **TERRY BOLLEA**, owned a model year 2003 Dodge Viper that can be classified as a motor vehicle, a dangerous instrumentality, bearing Vehicle Identification Number 1B2JR65203V501872.

15. On or about August 26, 2007, Defendant, **TERRY BOLLEA**'s above-mentioned Toyota Supra was operated with his consent by **NICHOLAS BOLLEA**.

16. On or about August 26, 2007, Defendant, **TERRY BOLLEA**'s above-mentioned Dodge Viper was operated with his consent by **DANIEL JACOBS**.

17. On or about August 26, 2007 at approximately 7:31 p.m. at or about 1290 Court Street, Clearwater, Pinellas County, Florida, **NICHOLAS BOLLEA**, while driving the above mentioned Toyota Supra, was driving in excess of the speed limit and/or racing from light to light against the above mentioned Dodge Viper causing the Toyota Supra, occupied by himself and **JOHN GRAZIANO**, to swerve out of control and ultimately collide with a tree (hereinafter referred to as the "incident.")

18. At the time of the above incident **DANIEL JACOBS**, was driving the above-mentioned Dodge Viper at a speed in excess of the speed limit.

19. At the time and place of the incident, **NICHOLAS BOLLEA**, negligently operated or maintained the Toyota Supra causing the vehicle to swerve out of control and ultimately collide with a tree.

20. At that time and place of the incident, **DANIEL JACOBS**, negligently operated or maintained the Dodge Viper in that he was "light to light" racing with the Toyota Supra driven by **NICHOLAS BOLLEA** causing **NICHOLAS BOLLEA** to drive in such a manner that the Toyota Supra began to swerve out of control and ultimately collide with a tree.

21. On or about September 17, 2006 **NICHOLAS BOLLEA** was stopped for speeding by a Florida Highway Patrol Trooper on the highway known as "Alligator Alley" for driving 107 mph in a 70 mph speed zone.

22. At that time, the Florida Highway Patrol Trooper did not cite **NICHOLAS BOLLEA** for speeding.

23. On that same date, September 17, 2006, approximately 19 miles after the initial stop, a completely different Florida Highway Patrol Trooper stopped **NICHOLAS BOLLEA** for again driving at an excessive rate of speed of 115 mph in a 70 mph speed zone.

24. On or about September 17, 2006 **NICHOLAS BOLLEA** was given a citation by the second Florida Highway Patrol Trooper for speeding for the above mentioned infraction.

25. On or about September 17, 2006 at the times **NICHOLAS BOLLEA** was driving at speeds in excess of 100 miles per hour, on "Alligator Alley" he was accompanied in the car by his father, **TERRY BOLLEA**.

26. On or about February 8, 2007, **NICHOLAS BOLLEA** received a speeding ticket in Dade County, Florida for driving 57 mph in a 30 mph speed zone.

27. On or about April 25, 2007, **NICHOLAS BOLLEA** received a speeding ticket in Osceola County, Florida for driving 106 mph in a 70 mph speed zone. .

28. On or about August 10, 2007, **NICHOLAS BOLLEA** received a speeding ticket in Pinellas County, Florida for driving 82 mph in a 45 mph speed zone while in a construction zone.

29. At all material times, **NICHOLAS BOLLEA** was licensed or qualified as a professional "drift" driver

30. "Drifting" is a motorsport that involves controlling the car while it is going sideways at a fast rate of speed.

31. At all material times, including the time periods prior to August 26, 2007 **NICHOLAS BOLLEA** would practice and/or engage in "drifting" on the public roads in the State of Florida.

32. At all material times, including the time period prior to and up to August 26, 2007, **LINDA BOLLEA**, has in the presence of her son, **NICHOLAS BOLLEA**, publicly stated in regards to street racing on the public roadways that: " Oh, I love it, I love it. The rush, the speed on the road, stereoblasting, heartpounding, racing in between all the cars, dodging the cops. It's awesome."

33. At some time prior to August 26, 2007, **LINDA BOLLEA**, had observed her son driving the Dodge Viper in a reckless and negligible manner.

34. At all material times, the Toyota Supra was driven on the public roadways with modifications to several parts of the car, including but not limited to its engine.

35. At all material times, the Toyota Supra in question came from the factory (also referred to as "stock") with about 300 to 330 horsepower, the Supra was later modified to have in excess of 400 horsepower.

36. An increase in horsepower allows a vehicle increase its maximum speed.

37. At all material times, **TERRY BOLLEA** knew of the modifications made to the Toyota Supra's engine.

38. At all material times, **TERRY BOLLEA** knew or should have known that the "modified" Toyota Supra was an exceedingly dangerous instrumentality for his son,

NICHOLAS BOLLEA, given **NICHOLAS BOLLEA'S** proclivity to drive recklessly and/or in excess of the speed limit upon the public roadways.

39. At all material times, **LINDA BOLLEA** knew or should have known of the modifications made to the Toyota Supra's engine.

40. At all material times, **LINDA BOLLEA** knew or should have known that the "modified" Toyota Supra was an exceedingly dangerous instrumentality for her son, **NICHOLAS BOLLEA**, given **NICHOLAS BOLLEA'S** proclivity to drive recklessly and/or excess of the speed limit upon the public roadways.

41. At all material times, including the time period prior to and up to August 26, 2007, **TERRY BOLLEA**, knew or should have known that his son, **NICHOLAS BOLLEA**, practiced and/or engaged in "drifting" on the public roads.

42. At all material times, including the time period prior to and up to August 26, 2007, **TERRY BOLLEA** knew or should have known of his son's, **NICHOLAS BOLLEA's**, pattern and/or propensity of negligently, carelessly and/or willfully and wantonly of driving at excessive speeds

43. At all material times, including the time period prior to and up to August 26, 2007, **TERRY BOLLEA**, knew or should have known of his son's, **NICHOLAS BOLLEA's**, pattern and/or propensity of racing on the public roadways.

44. At all material times, including the time period prior to and up to August 26, 2007, **LINDA BOLLEA**, knew or should have known that her son, **NICHOLAS BOLLEA**, practiced and/or engaged in "drifting" on the public roads.

45. At all material times, including the time period prior to and up to August 26, 2007, **LINDA BOLLEA** knew or should have known of her son's, **NICHOLAS BOLLEA's**,

pattern and/or propensity of negligently, carelessly and/or willfully and wantonly of driving at excessive speeds

46. At all material times, including the time period prior to and up to August 26, 2007, **LINDA BOLLEA** knew or should have known of her son's, **NICHOLAS BOLLEA's**, pattern and/or propensity of racing on the public roadways.

47. At all material times, including the time period prior to and up to August 26, 2007, **TERRY BOLLEA** encouraged, supported, ratified, endorsed and/or consented to **NICHOLAS BOLLEA's** racing and/or use of excessive speed on the public roadways.

48. At all material times, including the time period prior to and up to August 26, 2007, **LINDA BOLLEA** encouraged, supported, ratified, endorsed and/or consented to **NICHOLAS BOLLEA's** racing and/or use of excessive speed on the public roadways.

49. In the afternoon of August 26, 2007, **TERRY BOLLEA**, purchased alcohol at an Albertson's Food Store.

50. On August 26, 2007, **NICHOLAS BOLLEA** was present at the Albertson's Food Store at time his father, **TERRY BOLLEA**, purchased alcohol.

51. Soon after the above mentioned purchase of alcohol, **TERRY BOLLEA**, **NICHOLAS BOLLEA**, **JOHN GRAZIANO**, **DANIEL JACOBS**, and several others went out on a boat owned and operated by **TERRY BOLLEA**.

52. On the boat, the alcohol purchased earlier by **TERRY BOLLEA** was consumed.

53. On August 26, 2007, **NICHOLAS BOLLEA** consumed alcohol on the boat and/or in the home owned his father, **TERRY BOLLEA**.

54. At the time of the August 26, 2007 automobile crash **NICHOLAS BOLLEA** was under the influence of alcohol.

55. **TERRY BOLLEA** knew or should have known that his minor son, **NICHOLAS BOLLEA** consumed alcohol on August 26, 2007.

56. **TERRY BOLLEA** knew or should have known that his minor son, **NICHOLAS BOLLEA** was under the influence of alcohol while driving on the public roadways on August 26, 2007 at 7:31 p.m.

57. At all material times, Defendant, **TERRY BOLLEA**, failed to take appropriate corrective action to ensure that **NICHOLAS BOLLEA**, did not operate any vehicle on the roads in the State of Florida.

58. At all material times, Defendant, **TERRY BOLLEA**, failed to take appropriate corrective action to ensure that **NICHOLAS BOLLEA**, operated a motor vehicle, including the Toyota Supra, safely and/or in compliance with the traffic laws of the State of Florida.

59. At all material times, Defendant, **LINDA BOLLEA**, failed to take appropriate corrective action to ensure that **NICHOLAS BOLLEA**, did not operate any vehicle on the roads in the State of Florida.

60. At all material times, Defendant, **LINDA BOLLEA**, failed to take appropriate corrective action to ensure that **NICHOLAS BOLLEA**, operated a motor vehicle, including the Toyota Supra, safely and/or in compliance with the traffic laws of the State of Florida.

61. At all material times, including the time period prior to and up to August 26, 2007, **TERRY BOLLEA** knew or should have known, **DANIEL JACOBS'** pattern and/or propensity of negligently, carelessly and/or willfully and wantonly of driving at excessive speeds.

62. At all material times, including the time period prior to and up to August 26, 2007, **TERRY BOLLEA**, knew or should have known **DANIEL JACOBS'** pattern and/or propensity of racing on the public roadways.

63. At all material times, Defendant, **TERRY BOLLEA** failed to take appropriate corrective action to ensure that **DANIEL JACOBS** operated a motor vehicle owned by **TERRY BOLLEA**, including the Dodge Viper, safely and/or in compliance with the traffic laws of the State of Florida.

64. Defendant, **TERRY BOLLEA**, as an owner of the 1998 Toyota Supra, is directly liable pursuant to Florida Statute §324.021(9)(b)(3) for the operation of the vehicle and/or the acts of **NICHOLAS BOLLEA** in causing the incident and injury to **JOHN GRAZIANO**.

65. Defendant, **TERRY BOLLEA**, as the owner of the 2003 Dodge Viper, is directly liable pursuant to Florida Statute §324.021(9)(b)(3) for the operation of the vehicle and/or the acts of **DANIEL JACOBS** in causing the incident and injury to **JOHN GRAZIANO**.

66. Defendant, **TERRY BOLLEA**, pursuant to Florida Statute §322.09(2), is directly liable for the operation of the vehicle and/or the acts of **NICHOLAS BOLLEA** in causing the incident and injury to **JOHN GRAZIANO**.

67. At all material times, Defendant, **TERRY BOLLEA**, is directly liable for causing the August 26, 2007 incident by his negligently entrusting his minor son, **NICHOLAS BOLLEA**, with a dangerous instrumentality, such as the 1998 Toyota Supra, which, because of **NICHOLAS BOLLEA's** lack of judgment and careless manner of driving on the roads in the State of Florida, **TERRY BOLLEA** knew or should have known that allowing **NICHOLAS BOLLEA** to drive the aforementioned Toyota Supra might cause it to become a source of danger to others, such as **JOHN GRAZIANO**.

68. Defendant, **TERRY BOLLEA**, is directly liable for causing the August 26, 2007 incident by his negligent act of knowing or should have known that his minor son, **NICHOLAS BOLLEA**, consumed alcohol and was driving under the influence of alcohol on the public roads in the State of Florida, and thereby, **TERRY BOLLEA**, consented to the wrongdoing of his son, **NICHOLAS BOLLEA**, of driving on the public roadways while under the influence of alcohol on August 26, 2007.

69. Defendant, **TERRY BOLLEA**, is directly liable for causing the August 26, 2007 incident by his negligent act of failing to exercise parental control over his minor son, **NICHOLAS BOLLEA**, when he knew or should have known that injury to another was a probable consequence of allowing **NICHOLAS BOLLEA** to drive on the public roads.

70. Defendant, **TERRY BOLLEA**, is directly liable for causing the August 26, 2007 incident by failing to exercise reasonable care by condoning, consenting and ratifying the negligent, careless and/or willful and wanton manner in which his minor son, **NICHOLAS BOLLEA** drove on the public roadways, including on August 26, 2007.

71. Defendant, **TERRY BOLLEA**, is directly liable for causing the August 26, 2007 incident by negligently entrusting his 2003 Dodge Viper to **DANIEL JACOBS**, because he knew or should have known that entrusting his vehicle to **DANIEL JACOBS** may be a source of danger to others because of **DANIEL JACOBS** negligent, careless and/or willful and wanton manner of driving upon the public roadways.

72. At all material times, Defendant, **LINDA BOLLEA**, is directly liable for causing the August 26, 2007 incident by her negligently entrusting her minor son, **NICHOLAS BOLLEA**, with a dangerous instrumentality, such as the 1998 Toyota Supra, which, because of **NICHOLAS BOLLEA**'s lack of judgment and careless manner of driving on the roads in the

State of Florida, **LINDA BOLLEA** knew or should have known that allowing **NICHOLAS BOLLEA** to drive the aforementioned Toyota Supra might cause it to become a source of danger to others, such as **JOHN GRAZIANO**.

73. Defendant, **LINDA BOLLEA**, is directly liable for causing the August 26, 2007 incident by her negligent act of failing to exercise parental control over her minor son, **NICHOLAS BOLLEA** when she knew or should have known that injury to another was a probable consequence of allowing **NICHOLAS BOLLEA** to drive on the public roads.

74. Defendant, **LINDA BOLLEA**, is directly liable for causing the August 26, 2007 incident by failing to exercise reasonable care by condoning, consenting and ratifying the negligent, careless and/or willful and wanton manner in which her minor son, **NICHOLAS BOLLEA** drives on the public roadways, including on August 26, 2007.

75. Defendant, **NICHOLAS BOLLEA**, as an owner of the 1998 Toyota Supra, is directly liable pursuant to Florida Statute §324.021(9)(b)(3.) for the operation of the vehicle in causing the incident and injury to **JOHN GRAZIANO**.

76. Defendant, **NICHOLAS BOLLEA**, is directly liable in causing the August 26, 2007 incident and injury to **JOHN GRAZIANO** by driving the 1998 Toyota Supra in a negligent, careless and/or willful and wanton manner on August 26, 2007.

77. Defendant, **DANIEL JACOBS**, is directly liable for causing the August 26, 2007 incident by his acts of driving upon the public roads in a negligent, careless and/or willful and wanton manner.

78. As a direct result of the above-described acts of the Defendants, **TERRY BOLLEA, LINDA BOLLEA, NICHOLAS BOLLEA, and DANIEL JACOBS**, including the August 26, 2007 incident, **JOHN GRAZIANO** 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, loss of ability to earn money, loss of support and services and aggravation of preexisting condition. The losses are permanent and continuing in nature.

**COUNT I - NEGLIGENCE AGAINST TERRY BOLLEA PURSUANT TO FLORIDA
STATUTE §324.021(9)(b)(3)**

Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendant, **TERRY BOLLEA**, for negligence and alleges:

79. Plaintiff realleges paragraphs one (1) through seventy-eight (78) as if fully set forth herein.

80. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 1998 Toyota Supra in his custody and control so as not to injure **JOHN GRAZIANO**.

81. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO** to exercise reasonable care in determining who operates and controls the aforementioned vehicle in his custody and control so as not to injure **JOHN GRAZIANO**.

82. At all material times hereto, the Defendant, **TERRY BOLLEA**, was careless and negligent, and breached the above duties as follows:

- a. By entrusting his 1998 Toyota Supra to **NICHOLAS BOLLEA**;
- b. By entrusting his 2003 Dodge Viper to **DANIEL JACOBS**;
- c. By failing to properly supervise **NICHOLAS BOLLEA** driving the 1998

Toyota Supra;

d. By failing to properly supervise **DANIEL JACOBS** driving the 2003 Dodge Viper;

e. By failing to take appropriate corrective action when he knew or should have known of **NICHOLAS BOLLEA's** unfitness to operate a motor vehicle on the public roads in the State of Florida; and

f. By failing to take appropriate corrective action when he knew or should have known of **DANIEL JACOBS'** unfitness to operate a motor vehicle on the public roads in the State of Florida.

83. As a direct and proximate result of the negligence of Defendant, **TERRY BOLLEA**, the Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, suffered damages as set forth in paragraph seventy-eight (78), which is hereby adopted and realleged as if fully set forth herein.

WHEREFORE, Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, demands judgment for damages against Defendant, **TERRY BOLLEA**, costs of this action, and such further and other relief as the Court may deem just and appropriate. Plaintiff hereby demands a trial by jury.

COUNT II - NEGLIGENCE AGAINST TERRY BOLLEA PURSUANT TO FLORIDA STATUTE §322.09(2)

Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendant, **TERRY BOLLEA**, for negligence and alleges:

84. Plaintiff realleges paragraphs one (1) through seventy-eight (78) as if fully set forth herein.

85. Pursuant to Florida Statute §322.09(2) Defendant, **TERRY BOLLEA**, had a statutory obligation and duty of imputed liability for any negligence or willful misconduct of his minor son, **NICHOLAS BOLLEA**, while driving upon a highway in the State of Florida due to the fact that Defendant, **TERRY BOLLEA**, signed **NICHOLAS BOLLEA**'s application for a Florida driving permit or license.

86. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 1998 Toyota Supra in his custody and control so as not to injure **JOHN GRAZIANO**.

87. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO** to exercise reasonable care in determining who operated and controlled the aforementioned vehicle in his custody and control so as not to injure **JOHN GRAZIANO**.

88. At all material times hereto, the Defendant, **TERRY BOLLEA**, was careless and negligent and breached the above duties as follows:

- a. By entrusting his 1998 Toyota Supra to **NICHOLAS BOLLEA**;
- b. By failing to properly supervise **NICHOLAS BOLLEA** driving the 1998 Toyota Supra;
- c. By failing to take appropriate corrective action when he knew or should have known of **NICHOLAS BOLLEA**'s unfitness to operate a motor vehicle on the public roads in the State of Florida; and
- d. By **NICHOLAS BOLLEA**'s negligent, careless and/or willful and wanton acts of "light to light racing;"
- e. By **NICHOLAS BOLLEA**'s negligent, careless and/or willful and wanton acts of speeding;

f. By **NICHOLAS BOLLEA's** failure to keep the vehicle in which he was operating under control;

g. By **NICHOLAS BOLLEA** failure to operate said vehicle so as to avoid a collision; and

h. By **NICHOLAS BOLLEA**, a minor, being under the influence of alcohol while driving on the public roadways.

89. As a direct and proximate result of the negligence of Defendant, **TERRY BOLLEA**, the Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, suffered damages as set forth in paragraph seventy-eight (78), which is hereby adopted and realleged as if fully set forth herein.

WHEREFORE, Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, demands judgment for damages against Defendant, **TERRY BOLLEA**, costs of this action, and such further and other relief as the Court may deem just and appropriate. Plaintiff hereby demands a trial by jury.

COUNT III NEGLIGENCE - DIRECT LIABILITY OF TERRY BOLLEA

Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendant, **TERRY BOLLEA**, for negligence and alleges:

90. Plaintiff realleges paragraphs one (1) through seventy-eight (78) as if fully set forth herein.

91. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 2003 Dodge Viper in his custody and control so as not to injure **JOHN GRAZIANO**.

92. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 1998 Toyota Supra in his custody and control so as not to injure **JOHN GRAZIANO**.

93. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO** to exercise reasonable care in determining who operated and controlled the aforementioned vehicles in his custody and control so as not to injure **JOHN GRAZIANO**.

94. At all material times hereto, the Defendant, **TERRY BOLLEA**, owed a duty to **JOHN GRAZIANO** to exercise reasonable care in supervising and controlling his minor son, **NICHOLAS BOLLEA** so as not to injure **JOHN GRAZIANO**.

95. At all material times hereto, the Defendant, **TERRY BOLLEA**, was careless and/or negligent and breached the above duties as follows:

- a. By entrusting his 1998 Toyota Supra to **NICHOLAS BOLLEA**;
- b. By entrusting his 2003 Dodge Viper to **DANIEL JACOBS**;
- c. By failing to properly supervise **NICHOLAS BOLLEA** while driving the 1998 Toyota Supra;
- d. By failing to properly supervise **DANIEL JACOBS** while driving the 2003 Dodge Viper;
- e. By failing to take appropriate corrective action when he knew or should have known of **NICHOLAS BOLLEA**'s unfitness to operate a motor vehicle on the public roads in the State of Florida;
- f. By failing to take appropriate corrective action when he knew or should have known of **DANIEL JACOBS**' unfitness to operate a motor vehicle on the public roads in the State of Florida;

g. By condoning and/or consenting to his minor son, **NICHOLAS BOLLEA**, consuming alcohol and driving a motor vehicle on the public roadways while under the influence of alcohol;

h. By failing to exercise parental control when he knew or should have known of his minor son's pattern and/or propensity to drive in a negligent, careless and/or willful and wanton manner;

i. By failing to exercise reasonable care by condoning, consenting and/or ratifying his minor son's propensity to drive in a negligent, careless and/or willful and wanton manner; and

j. By failing to exercise reasonable care by condoning, consenting and/or ratifying **DANIEL JACOBS'** propensity to drive in a negligent, careless and/or willful and wanton manner.

96. As a direct and proximate result of the negligence of Defendant, **TERRY BOLLEA**, the Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, suffered damages as set forth in paragraph seventy-eight (78), which is hereby adopted and realleged as if fully set forth herein.

WHEREFORE, Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, demands judgment for damages against Defendant, **TERRY BOLLEA**, costs of this action, and such further and other relief as the Court may deem just and appropriate. Plaintiff hereby demands a trial by jury.

COUNT IV NEGLIGENCE - DIRECT LIABILITY OF LINDA BOLLEA

Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendant, **LINDA BOLLEA**, for negligence and alleges:

97. Plaintiff realleges paragraphs one (1) through seventy-eight (78) as if fully set forth herein.

98. At all material times hereto, the Defendant, **LINDA BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 2003 Dodge Viper in her custody and control so as not to injure **JOHN GRAZIANO**.

99. At all material times hereto, the Defendant, **LINDA BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 1998 Toyota Supra in her custody and control so as not to injure **JOHN GRAZIANO**.

100. At all material times hereto, the Defendant, **LINDA BOLLEA**, owed a duty to **JOHN GRAZIANO** to exercise reasonable care in determining who operated and controlled the aforementioned vehicles in her custody and control so as not to injure **JOHN GRAZIANO**.

101. At all material times hereto, the Defendant, **LINDA BOLLEA**, owed a duty to **JOHN GRAZIANO** to exercise reasonable care in supervising and controlling her minor son, **NICHOLAS BOLLEA** so as not to injure **JOHN GRAZIANO**.

102. At all material times hereto, the Defendant, **LINDA BOLLEA**, was careless and/or negligent and breached the above duties as follows:

- a. By entrusting the 1998 Toyota Supra to **NICHOLAS BOLLEA**;
- b. By entrusting the 2003 Dodge Viper to **DANIEL JACOBS**;
- c. By failing to properly supervise **NICHOLAS BOLLEA** while driving the 1998 Toyota Supra;
- d. By failing to properly supervise **DANIEL JACOBS** while driving the 2003 Dodge Viper;

e. By failing to take appropriate corrective action when she knew or should have known of **NICHOLAS BOLLEA's** unfitness to operate a motor vehicle on the public roads in the State of Florida;

f. By failing to take appropriate corrective action when she knew or should have known of **DANIEL JACOBS'** unfitness to operate a motor vehicle on the public roads in the State of Florida;

g. By condoning and/or consenting to her minor son, **NICHOLAS BOLLEA**, driving a motor vehicle on the public roadways while under the influence of alcohol;

h. By failing to exercise parental control when she knew or should have known of her minor son's pattern and/or propensity to drive in a negligent, careless and/or willful and wanton manner;

i. By failing to exercise reasonable care by condoning, consenting and/or ratifying her minor son's propensity to drive in a negligent, careless and/or willful and wanton manner; and

j. By failing to exercise reasonable care by condoning, consenting and/or ratifying **DANIEL JACOBS'** propensity to drive in a negligent, careless and/or willful and wanton manner.

103. As a direct and proximate result of the negligence of Defendant, **LINDA BOLLEA**, the Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, suffered damages as set forth in paragraph seventy-eight (78), which is hereby adopted and realleged as if fully set forth herein.

WHEREFORE, Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, demands judgment for damages against Defendant, **LINDA**

BOLLEA, costs of this action, and such further and other relief as the Court may deem just and appropriate. Plaintiff hereby demands a trial by jury.

COUNT V - NEGLIGENCE AGAINST NICHOLAS BOLLEA

Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendant, **NICHOLAS BOLLEA**, for negligence and alleges:

104. Plaintiff realleges paragraphs one (1) through seventy-eight (78) as if fully set forth herein.

105. At all material times hereto, the Defendant, **NICHOLAS BOLLEA**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 1998 Toyota Supra in his custody and control so as not to injure **JOHN GRAZIANO**.

106. At all material times hereto, the Defendant, **NICHOLAS BOLLEA**, was careless and/or negligent, and breached the above duty as follows:

- a. By the negligent, careless and/or willful and wanton acts of "light to light racing;"
- b. By the negligent, careless and/or willful and wanton acts of speeding;
- c. By failing to keep the vehicle in which he was operating under control;
- d. By failing to operate said vehicle so as to avoid a collision; and
- e. By being a minor and operating a motor vehicle on the public roads while under the influence of alcohol.

107. As a direct and proximate result of the negligence of Defendant, **NICHOLAS BOLLEA**, the Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, suffered damages as set forth in paragraph seventy-eight (78), which is hereby adopted and realleged as if fully set forth herein.

WHEREFORE, Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, demands judgment for damages against Defendant, **NICHOLAS BOLLEA**, costs of this action, and such further and other relief as the Court may deem just and appropriate. Plaintiff hereby demands a trial by jury.

COUNT VI - NEGLIGENCE AGAINST DANIEL JACOBS

Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, sues the Defendant, **DANIEL JACOBS**, for negligence and alleges:

108. Plaintiff realleges paragraphs one (1) through seventy-eight (78) as if fully set forth herein.

109. At all material times hereto, the Defendant, **DANIEL JACOBS**, owed a duty to **JOHN GRAZIANO**, to exercise reasonable care in the operation and control of the 2003 Dodge Viper in his custody and control so as not to injure **JOHN GRAZIANO**.

110. At all material times hereto, the Defendant, **DANIEL JACOBS**, was careless and/or negligent, and breached the above duty by the negligent, careless and/or willful and wanton acts of speeding and "light to light racing" with the Toyota Supra driven by **NICHOLAS BOLLEA**.

111. As a direct and proximate result of the negligence of Defendant, **DANIEL JACOBS**, the Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, suffered damages as set forth in paragraph seventy-eight (78), which is hereby adopted and realleged as if fully set forth herein.

WHEREFORE, Plaintiff, **PETER MUSANTE on Behalf of JOHN GRAZIANO as Guardian of the Property**, demands judgment for damages against Defendant, **DANIEL**

JACOBS, costs of this action, and such further and other relief as the Court may deem just and appropriate. Plaintiff hereby demands a trial by jury.

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