

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NO.: 2020 CA 000462
DIVISION: 49

TAMMY MICHELLE BIZIER, as Personal
Representative of the Estate of Mario Joseph Bizier,
Deceased,

Plaintiff,

vs.

BROOKE ANNA LORENZEN, an individual and
ALLSTATE INSURANCE COMPANY,
a foreign profit Corporation,

Defendants.

COMPLAINT

Plaintiff, Tammy Michelle Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased, sues Defendants, Brooke Anna Lorenzen and Allstate Insurance Company, and alleges:

GENERAL ALLEGATIONS AS TO ALL COUNTS

1. This is an action for damages in excess of \$30,000.00, exclusive of attorneys' fees, interest and costs, and Plaintiff(s) hereby demand a trial by jury; accordingly, although, to file this complaint, undersigned counsel is being required by order of the Supreme Court of Florida to contemporaneously complete a civil cover sheet with a dollar figure as an estimated amount of claim for data collection and clerical processing purposes only, the full monetary value of the damages suffered by Plaintiff(s) is yet to be determined and will be decided in a verdict by the jury that judges the facts of this action in compliance with Article I, Section 22, Florida Constitution.

2. At all material times, Mario Joseph Bizier, deceased, was a resident of Jacksonville Duval County, Florida.

3. Tammy Michelle Bizier, his spouse, has been appointed Personal Representative of the Estate of the deceased, Mario Joseph Bizier, who passed away on May 6, 2019 and as Mario Joseph Bizier's Person Representative brings this action on his behalf. A copy of the Letters of Administration is attached here as Exhibit A.

4. On or about May 6, 2019, Brooke Anna Lorenzen operated a motor vehicle on Interstate 95 Southbound, at or near the intersection with Matanzas Woods Parkway, in Flagler County, Florida.

5. Allstate Insurance Company ("Allstate") is a Foreign Profit Corporation that is authorized by the state of Florida Department of Insurance to transact business, including the solicitation and sale of policies of motor vehicle insurance, within the State of Florida, and specifically in Flagler County, Florida.

6. At that time and place, Defendant, Brooke Anna Lorenzen, negligently operated or maintained the motor vehicle so that it lost control, colliding with the front fender of Mario Bizier's vehicle, lost control of the vehicle sliding across the roadway into the inside lane of the interstate causing her to collide with Mario Bizier's vehicle again.

COUNT I
(Bizier v. Brooke Lorenzen)

7. Plaintiff, Tammy Michelle Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased, realleges and reaffirms paragraphs 1-6 as though fully set forth herein.

8. As a direct and proximate result of Brooke Anna Lorenzen's actions, Mario Joseph Bizier, suffered fatal bodily injury.

9. Tammy Michelle Bizier is the court appointed Personal Representative of the Estate of her Spouse, Mario Joseph Bizier.

10. The potential beneficiaries who can recover under the wrongful death act and their relationship with the decedent are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>RELATIONSHIP</u>
Tammy Michelle Bizier	8150 Patou Drive South Jacksonville, Florida 32210	Spouse

11. As a result of the Defendant Brooke Anna Lorenzen's negligence, the survivors, Tammy Michelle Bizier, Raymond Bizier, and the Estate of Mario Joseph Bizier, suffered damages including: future loss of support and services of the decedent from the date of his death; the amount of the decedent's probable net income; the replacement value of the decedent's services; mental pain and suffering; and expenses due to the decedent's injury and death.

12. The decedents estate has suffered damages including the loss of the prospective net accumulations of the decedents estate, funeral and other expenses due to the decedents injury and death.

WHEREFORE, Plaintiff, TAMMY MICHELLE BIZIER, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased, demands judgment against Defendant, Brooke Anna Lorenzen, for damages, costs of this action, trial by jury and such other and further relief as this Court may deem meet and just.

COUNT II
(Tammy Bizier v. Allstate)

13. Plaintiff, Tammy Michelle Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased re-alleges and re-affirms paragraphs 1 through 6 and 7 through 12 as though fully set forth herein.

14. Allstate Insurance Company (“Allstate”) is a Foreign Profit Corporation that is authorized by the Florida Department of Insurance to transact business, including the solicitation and sale of policies of motor vehicle insurance, within the State of Florida, and specifically in Flagler County, Florida.

15. Plaintiff, Tammy Michelle Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased has uninsured/underinsured motorist coverage with the Defendant, Allstate, under the terms and conditions of automobile policy number [REDACTED]. Attached hereto as Exhibit B is the declaration sheet of coverage disclosed by Defendant, Allstate. A copy of the policy is in the possession of Defendant, Allstate.

16. At the time of the aforesaid collision, Defendant, Brooke Anna Lorenzen, was an underinsured motorist, as that term is defined in the policy/contract, Florida Statutes Sec. 627.727, and as applicable case law.

17. Under the terms and conditions of the policy/contract, Defendant, Allstate, is to pay damages to Plaintiff, Tammy Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased, as a result of the injuries she sustained in the subject motor vehicle collision because of the underinsured driver.

18. Plaintiff, Tammy Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased has complied with all conditions precedent to the filing of this action.

19. As a result of the May 6, 2020 collision, Plaintiff, Tammy Michelle Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, Deceased suffered , suffered damages including: future loss of support and services of the decedent from the date of his death; the amount of the decedent's probable net income; the replacement value of the decedent's services; mental pain and suffering; and expenses due to the decedent's injury and death.

WHEREFORE, Plaintiff, Tammy Michelle Bizier, As Personal Representative of the Estate of Mario Joseph Bizier, demands judgment against Defendant, Allstate Insurance Company, for damages, costs of this action, any pre-judgment interest, trial by jury and such other further relief as this Court may deem just.

DATED this 13th day of October, 2020.

HARRELL & HARRELL, P.A.

/s/ W. Holt Harrell

W. Holt Harrell, Esquire

Florida Bar No.: 0577634

4735 Sunbeam Road

Jacksonville, FL 32257

Telephone: (904) 251-1111

Facsimile: (904) 251-1110

Primary e-mail: hharrell@harrellandharrell.com

Secondary e-mail: jcorey@harrellandharrell.com

mhall@harrellandharrell.com

Attorneys for Plaintiff

IN THE CIRCUIT COURT FOR DUVAL COUNTY,
FLORIDA PROBATE DIVISION

IN RE: ESTATE OF

File No. 2020-CP-2013

MARIO JOSEPH BIZIER,
Deceased.

Division PR-B

LETTERS OF ADMINISTRATION
(single personal representative)

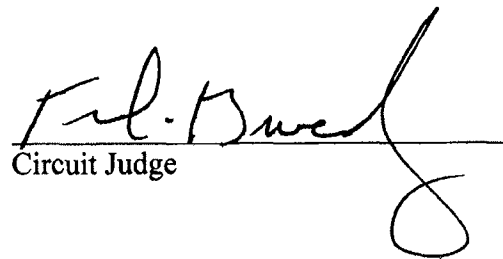
TO ALL WHOM IT MAY CONCERN:

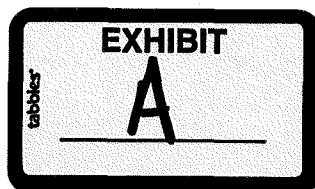
WHEREAS, MARIO JOSEPH BIZIER, a resident of Duval County, Florida, died on May 6, 2020, owning assets in the State of Florida, and

WHEREAS, TAMMY MICHELLE BIZIER has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare TAMMY MICHELLE BIZIER duly qualified under the laws of the State of Florida to act as personal representative of the estate of MARIO JOSEPH BIZIER, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

Ordered on September 23, 2020.


Circuit Judge



Renewal auto policy declarations
 Policy number: XXXXXXXXXX
 Policy effective date: April 3, 2020



Coverage detail for 2019 Toy. Truck Rav4

Coverage	Limits	Deductible	Premium
Personal Injury Protection		\$0	\$98.78
Death Benefit	\$5,000 each person		
Aggregate Medical Expenses (Emergency or Non-Emergency Medical Condition), Income Loss and Loss of Services	\$10,000 each person		
Medical Expenses Limit:			
Medical Expenses - Emergency Medical Condition	\$10,000 each person		
OR			
Medical Expenses - Non-Emergency Medical Condition	\$2,500 each person		

The sum of Medical Expenses, Income Loss and Loss of Services benefits cannot exceed the aggregate \$10,000 limit.

Military Reduction applies to insured only

Auto Collision Insurance	Actual cash value	\$500	\$286.62
Auto Comprehensive Insurance	Actual cash value	\$500	\$94.66
Automobile Liability Insurance			
▪ Bodily Injury	\$10,000 each person \$20,000 each occurrence	Not applicable	\$107.48
▪ Property Damage	\$100,000 each occurrence	Not applicable	\$114.76
Rental Reimbursement	Not purchased*		
Towing and Labor Costs	\$100 each disablement	Not applicable	\$6.40
Uninsured Motorists Insurance for Bodily Injury	\$10,000 each person \$20,000 each accident	Not applicable	\$78.40
Uninsured Motorists Insurance limits of insured vehicles may be stacked.			
Automobile Medical Payments	\$2,000 each person	Not applicable	\$20.01
New Car Expanded Protection		Not applicable	\$20.02
Sound System	Not purchased*		
Tape	Not purchased*		
Total premium for 2019 Toy. Truck Rav4			\$827.13

* This coverage can provide you with valuable protection. To help you stay current with your insurance needs, contact your Allstate agent to discuss coverage options and other products and services that can help protect you.

VIN 2T3K1RFV9KW040055

Lienholder
 Toyota Motor Credit Corp

Rating information

- This vehicle is driven over 7,500 miles per year, 0-3 miles to work/school, unmarried male age 29, good driver rate

