

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI DADE, FLORIDA

CATALINA BELEN CORTES LEIVA and
MARCELO EDUARDO PACHECO BOZA,

CASE NO.:

Plaintiffs,

vs.

GPS GLOBAL PILOT SCHOOL CORP.,
OSORIO AVIATION CORP., and
DANIEL W. VACA,

Defendants.

COMPLAINT and DEMAND FOR JURY TRIAL

COMES NOW the Plaintiffs, CATALINA BELEN CORTES LEIVA and MARCELO EDUARDO PACHECO BOZA, by and through the undersigned counsel, sue the Defendants, GPS GLOBAL PILOT SCHOOL CORP., OSORIO AVIATION CORP., and DANIEL W. VACA, and alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of Thirty Thousand Dollars, exclusive of interest, costs and fees.
2. At all times material, Plaintiff, CATALINA BELEN CORTES LEIVA was *sui juris* and was a resident of Miami Dade, Florida.
3. At all times material, Plaintiff, MARCELO EDUARDO PACHECO BOZA was *sui juris* and was a resident of Miami Dade, Florida.
4. At all times material, Defendant, DANIEL W. VACA, was *sui juris*, and was a flight instructor/ pilot, employed by GPS GLOBAL PILOT SCHOOL CORP., flying through Miami Dade, Florida.

5. At all times material, Defendant, GPS GLOBAL PILOT SCHOOL CORP., was a corporation authorized and existing under the laws of Florida, and at all times material hereto was and is doing business in Miami Dade, Florida.

6. The Defendant, GPS GLOBAL PILOT SCHOOL CORP. at all times material hereto, personally or through an agent, in the County and in the District in which this Complaint is filed:

- a. Operated, conducted, engaged in or carried on business venture in this state and/or county; and/or
- b. Had an office or agency in this state and/or county; and/or
- c. Engaged in substantial activity within this State; and/or
- e. owned and maintain several aircrafts.

7. At all times material, Defendant, OSORIO AVITION CORP., was a corporation authorized and existing under the laws of Florida, and at all times material hereto, was and is doing business in Miami Dade, Florida.

8. The Defendant, OSORIO AVIATION CORP. at all times material hereto, personally or through an agent, in the County and in the District in which this Complaint is filed:

- a. Operated, conducted, engaged in or carried on business venture in this state and/or county; and/or
- b. Had an office or agency in this state and/or county; and/or
- c. Engaged in substantial activity within this State; and/or
- e. owned and maintain several aircrafts.

9. On or about August 5th, 2019, Plaintiff, CATALINA BELEN CORTES LEIVA, was a student of GPS Global Pilot School, scheduled for instruction on the aforementioned date at approximately 9:48 A.M., on a Piper PA-28 aircraft with fly instructor Daniel W. Vaca.

10. On or about August 5th, 2019, Plaintiff, MARCELO EDUARDO PACHECO BOZA was a student of GPS Global Pilot School, scheduled for instruction on the aforementioned date at approximately 9:48 A.M., on a Piper PA-28 aircraft with fly instructor Daniel W. Vaca.

11. The subject aircraft, Piper-PA-28 lost power and crashed landed on a field in Miami Dade County, Florida

COUNT I- NEGLIGENCE AGAINST GPS GLOBAL PILOT SCHOOL CORP
By CATALINA BELEN CORTES LEIVA

Plaintiff, by reference, reiterates and adopts paragraphs 1 through 11 and further states:

12. At the aforementioned date and time, Plaintiff, CATALINA BELEN CORTES LEIVA, was instructed to takeoff from Miami Executive Airport, located at 12800 SW 145th Avenue, Miami, Miami Dade County, Florida.

13. Shortly after takeoff, the airplane suffered a total loss of power and school instructor Daniel W. Vaca crashed landed on a field causing the Plaintiff to suffer serious bodily injuries.

14. Defendant, GPS GLOBAL PILOT SCHOOL CORP. had a duty to maintain the aircrafts in a reasonably safe condition and give warning of concealed perils.

15. Defendant, GPS GLOBAL PILOT SCHOOL CORP. had a duty to ensure that the subject aircraft was safe and reasonably maintained in order to fly. By failure to ensure that

the subject aircraft was reasonably maintained in a reasonably manner caused a dangerous and hazardous condition.

16. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff CATALINA BELEN CORTES LEIVA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, CATALINA BELEN CORTES LEIVA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP, and further demands trial by jury.

COUNT II- CLAIM AGAINST GPS GLOBAL PILOT SCHOOL CORP.
By CATALINA BELEN CORTES LEIVA
RESPONDEAT SUPERIOR

Plaintiff, by reference, adopt and reiterate Paragraphs 1-11 and further states:

17. At all times material hereto, Defendant, DANIEL W. VACA, was an agent, officer, servant and/or employee of the Defendant, GPS GLOBAL PILOT SCHOOL CORP. and was operating aforementioned airplane while in the course and scope of his employment with the Defendant, GPS GLOBAL PILOT SCHOOL CORP.

18. Defendant, GPS GLOBAL PILOT SCHOOL CORP. is vicariously liable for the negligent actions of its servant/officer/agent/employee, Daniel W. Vaca, under the doctrine of respondeat superior.

19. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff CATALINA BELEN CORTES LEIVA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, CATALINA BELEN CORTES LEIVA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP., and further demands trial by jury.

COUNT III- CLAIM AGAINST GPS GLOBAL PILOT SCHOOL CORP.
By CATALINA BELEN CORTES LEIVA
DANGEROUS INSTRUMENTALITY

Plaintiffs, by reference, adopt and reiterate Paragraphs 1-11 and further state:

20. At the aforementioned date and time, Defendant, GPS GLOBAL PILOT SCHOOL CORP., actually or impliedly owned an airplane that was being operated with its consent by Defendant, DANIEL W. VACA.

21. The airplane flown by Defendant, DANIEL W. VACA, was used for the business benefit of GPS GLOBAL PILOT SCHOOL CORP.

22. Defendant, GPS GLOBAL PILOT SCHOOL CORP. is vicariously responsible for the negligence of DANIEL W. VACA under the doctrine of dangerous instrumentality.

23. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff CATALINA BELEN CORTES LEIVA was injured in and

about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, CATALINA BELEN CORTES LEIVA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP. and further demands trial by jury.

COUNT IV- NEGLIGENCE AGAINST DANIEL W. VACA
By CATALINA BELEN CORTES LEIVA

Plaintiff, by reference, reiterates and adopts paragraphs 1 through 11 and further states:

24. At the aforementioned date and time, Defendant, DANIEL W. VACA, instructed the Plaintiff to takeoff from Miami Executive Airport, located at 12800 SW 145th Avenue, Miami, Miami Dade County, Florida.

25. Shortly after takeoff, the airplane suffered a total loss of power and Defendant, DANIEL W. VACA crashed landed on a field causing the Plaintiff to suffer serious bodily injuries.

26. Defendant, DANIEL W. VACA, owed a duty to the general public and other pilots and students, including the Plaintiff, to operate and/or maintain his airplane in a reasonable and safe manner.

27. As a direct and proximate result of the negligence of DANIEL W. VACA, Plaintiff, CATALINA BELEN CORTES LEIVA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past

wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, CATALINA BELEN CORTES LEIVA, demands judgment for damages against the Defendant, DANIEL W. VACA, and further demands trial by jury.

COUNT V- CLAIM AGAINST GPS GLOBAL PILOT SCHOOL CORP
By CATALINA BELEN CORTES LEIVA
AIRCRAFT MAINTENANCE NEGLIGENCE

Plaintiffs, by reference, adopt and reiterate Paragraphs 1-11 and further state:

28. At the aforementioned date and time, Defendant, GPS GLOBAL PILOT SCHOOL CORP, actually or impliedly owned and maintained an airplane that was being operated with its consent by Defendant, DANIEL W. VACA.

29. Defendant, GPS GLOBAL PILOT SCHOOL CORP., is responsible for the maintenance, care and repair of all aircrafts owned and flown by its students and/or fly instructors.

30. Defendant, GPS GLOBAL PILOT SCHOOL CORP. owed a duty to the general public and its students, including the Plaintiff ensuring that:

- a. The professional standard of care of the subject aircraft was completed; and/or
- b. ensuring that the aircraft maintenance personnel meet the reasonably expected care of the subject aircraft; and or
- c. not allowing the subject aircraft to fly without being fully inspected, for the safety of the Plaintiff in the of the subject aircraft prior to takeoff.

31. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff CATALINA BELEN CORTES LEIVA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, CATALINA BELEN CORTES LEIVA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP, and further demands trial by jury.

COUNT VI- CLAIM AGAINST OSORIO AVIATION CORP.
By CATALINA BELEN CORTES LEIVA
AIRCRAFT MAINTENANCE NEGLIGENCE

Plaintiffs, by reference, adopt and reiterate Paragraphs 1-11 and further state:

32. At the aforementioned date and time, Defendant, OSORIO AVIATION CORP., actually or impliedly owned an airplane that was being operated with its consent by Defendant, DANIEL W. VACA.

33. The airplane flown by Defendant, DANIEL W. VACA, was used for the business benefit of OSORIO AVIATION CORP.

34. Defendant, OSORIO AVIATION CORP. is responsible for the maintenance, care and repair of all aircrafts owned and flown by its students and/or fly instructors.

35. Defendant, OSORIO AVIATION CORP. owed a duty to the general public and its students, including the Plaintiff insuring that:

- a. The professional standard of care of the subject aircraft was completed; and/or
- b. ensuring that the aircraft maintenance personnel meet the reasonably expected care of the subject aircraft; and or
- c. not allowing the subject aircraft to fly without being fully inspected, guaranteeing the safety of the Plaintiff in the subject aircraft prior to takeoff.

36. As a direct and proximate result of the negligence of Defendant, OSORIO AVIATION CORP., Plaintiff CATALINA BELEN CORTES LEIVA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, CATALINA BELEN CORTES LEIVA, demands judgment for damages against the Defendant, OSORIO AVIATION CORP., and further demands trial by jury.

RESPECTFULLY submitted this 15th day of May, 2020.

By: /s/Laurence Trias
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COUNT VII- NEGLIGENCE AGAINST GPS GLOBAL PILOT SCHOOL CORP
By MARCELO EDUARDO PACHECO BOZA

Plaintiff, by reference, reiterates and adopts paragraphs 1 through 11 and further states:

37. At the aforementioned date and time, the Plaintiff MARCELO EDUARDO PACHECO BOZA, was scheduled for instruction/ training with flying instructor, Daniel Vaca,, taking off from Miami Executive Airport, located at 12800 SW 145th Avenue, Miami, Miami Dade County, Florida.

38. Shortly after takeoff, the airplane suffered a total loss of power and school instructor Daniel W. Vaca crashed landed on a field causing the Plaintiff to suffer serious bodily injuries.

39. Defendant GPS GLOBAL PILOT SCHOOL CORP. had a duty to maintain the aircrafts in a reasonably safe condition and give warning of concealed perils.

40. Defendant GPS GLOBAL PILOT SCHOOL CORP. had a duty to ensure that the subject aircraft was safe and reasonably maintained in order to fly. By failure to ensure that the subject aircraft was reasonably maintained in a reasonably manner caused a dangerous and hazardous condition.

41. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff MARCELO EDUARDO PACHECO BOZA, was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, MARCELO EDUARDO PACHECO BOZA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP, and further demands trial by jury.

COUNT VIII- CLAIM AGAINST GPS GLOBAL PILOT SCHOOL CORP.
By MARCELO EDUARDO PACHECO BOZA
RESPONDEAT SUPERIOR

Plaintiff, by reference, adopt and reiterate Paragraphs 1-11 and further states:

42. At all times material hereto, Defendant, DANIEL W. VACA, was an agent, officer, servant and/or employee of the Defendant, GPS GLOBAL PILOT SCHOOL CORP. and was operating aforementioned airplane while in the course and scope of his employment with the Defendant, GPS GLOBAL PILOT SCHOOL CORP.

43. Defendant, GPS GLOBAL PILOT SCHOOL CORP. is vicariously liable for the negligent actions of its servant/officer/agent/employee, Daniel W. Vaca, under the doctrine of respondeat superior.

44. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff MARCELO EDUARDO PACHECO BOZA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, MARCELO EDUARDO PACHECO BOZA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP., and further demands trial by jury.

COUNT IX- CLAIM AGAINST GPS GLOBAL PILOT SCHOOL CORP.
By MARCELO EDUARDO PACHECO BOZA
DANGEROUS INSTRUMENTALITY

Plaintiffs, by reference, adopt and reiterate Paragraphs 1-11 and further state:

45. At the aforementioned date and time, Defendant, GPS GLOBAL PILOT SCHOOL CORP., actually or impliedly owned an airplane that was being operated with its consent by Defendant, DANIEL W. VACA.

46. The airplane flown by Defendant, DANIEL W. VACA, was used for the business benefit of GPS GLOBAL PILOT SCHOOL CORP.

47. Defendant, GPS GLOBAL PILOT SCHOOL CORP. is vicariously responsible for the negligence of DANIEL W. VACA under the doctrine of dangerous instrumentality.

48. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff MARCELO EDUARDO PACHECO BOZA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, MARCELO EDUARDO PACHECO BOZA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP. and further demands trial by jury.

COUNT X- NEGLIGENCE AGAINST DANIEL W. VACA
By MARCELO EDUARDO PACHECO BOZA

Plaintiff, by reference, reiterates and adopts paragraphs 1 through 11 and further states:

49. At the aforementioned date and time, Defendant, DANIEL W. VACA, instructed flight student Catalina Belen Cortes Leiva, to takeoff from Miami Executive Airport, located at 12800 SW 145th Avenue, Miami, Miami Dade County, Florida.

50. Shortly after takeoff, the airplane suffered a total loss of power and Defendant, DANIEL W. VACA crashed landed on a field causing the Plaintiff to suffer serious bodily injuries.

51. Defendant, DANIEL W. VACA, owed a duty to the general public and other pilots and students, including the Plaintiff, to operate and/or maintain his airplane in a reasonable and safe manner.

52. As a direct and proximate result of the negligence of DANIEL W. VACA, Plaintiff MARCELO EDUARDO PACHECO BOZA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, MARCELO EDUARDO PACHECO BOZA, demands judgment for damages against the Defendant, DANIEL W. VACA, and further demands trial by jury.

COUNT XI- CLAIM AGAINST GPS GLOBAL PILOT SCHOOL CORP
By MARCELO EDUARDO PACHECO BOZA
AIRCRAFT MAINTENANCE NEGLIGENCE

Plaintiffs, by reference, adopt and reiterate Paragraphs 1-11 and further state:

53. At the aforementioned date and time, Defendant, GPS GLOBAL PILOT SCHOOL CORP, actually or impliedly owned and maintained an airplane that was being operated with its consent by Defendant, DANIEL W. VACA.

54. Defendant, GPS GLOBAL PILOT SCHOOL CORP., is responsible for the maintenance, care and repair of all aircrafts owned and flown by its students and/or fly instructors.

55. Defendant, GPS GLOBAL PILOT SCHOOL CORP. owed a duty to the general public and its students, including the Plaintiff ensuring that:

- a. The professional standard of care of the subject aircraft was completed; and/or
- b. ensuring that the aircraft maintenance personnel meet the reasonably expected care of the subject aircraft; and or
- c. not allowing the subject aircraft to fly without being fully inspected, guaranteeing the safety of the Plaintiff in the of the subject aircraft prior to takeoff.

56. As a direct and proximate result of the negligence of Defendant, GPS GLOBAL PILOT SCHOOL CORP., Plaintiff MARCELO EDUARDO PACHECO BOZA, was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said

injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, MARCELO EDUARDO PACHECO BOZA, demands judgment for damages against the Defendant, GPS GLOBAL PILOT SCHOOL CORP, and further demands trial by jury.

COUNT XII- CLAIM AGAINST OSORIO AVIATION CORP.
By MARCELO EDUARDO PACHECO BOZA
AIRCRAFT MAINTENANCE NEGLIGENCE

Plaintiffs, by reference, adopt and reiterate Paragraphs 1-11 and further state:

57. At the aforementioned date and time, Defendant, OSORIO AVIATION CORP., actually or impliedly owned an airplane that was being operated with its consent by Defendant, DANIEL W. VACA.

58. The airplane flown by Defendant, DANIEL W. VACA, was used for the business benefit of OSORIO AVIATION CORP.

59. Defendant, OSORIO AVIATION CORP. is responsible for the maintenance, care and repair of all aircrafts owned and flown by its students and/or fly instructors.

60. Defendant, OSORIO AVIATION CORP. owed a duty to the general public and its students, including the Plaintiff insuring that:

- a. The professional standard of care of the subject aircraft was completed; and/or
- b. ensuring that the aircraft maintenance personnel meet the reasonably expected care of the subject aircraft; and or
- c. not allowing the subject aircraft to fly without being fully inspected, guaranteeing the safety of the Plaintiff in the subject aircraft prior to takeoff.

61. As a direct and proximate result of the negligence of Defendant, OSORIO AVIATION CORP., Plaintiff MARCELO EDUARDO PACHECO BOZA was injured in and about the body, suffered aggravation of preexisting condition, pain and suffering, disability, disfigurement, loss of past wages, loss of future earning capacity, mental anguish, loss of enjoyment of life, and Plaintiff incurred medical expenses in the care and treatment of said injuries; all of said injuries are permanent within a reasonable degree of medical probability, and will require future medical treatment. Plaintiff will incur future damages.

WHEREFORE, Plaintiff, MARCELO EDUARDO PACHECO BOZA, demands judgment for damages against the Defendant, OSORIO AVIATION CORP., and further demands trial by jury.

RESPECTFULLY submitted this 15th day of May, 2020.

By: /s/ Laurence Trias
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