UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

BIANCA L. ELBERT,
c/o Justly Prudent
420 Florida Ave. NE, Suite 27,
Washington, DC 20002

Case No.

Plaintiff,

v.

UNITED STATES OF AMERICA,
Civil Process Clerk
United States Attorney's Office
Middle District of Florida
400 North Tampa Street, Suite 3200
Tampa, FL 33602

and

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Defendant.
_____/

COMPLAINT

Plaintiff Bianca L. Elbert ("Elbert"), for her complaint against Defendant United States of America (the "United States"), alleges the following:

1. This action arises from an August 15, 2024 collision on West Bay Street in downtown Jacksonville, Florida. A United States Postal Service

("USPS") tractor-trailer moved left out of its lane, into the lane Elbert occupied, and struck the right rear of the car she was driving. Elbert seeks compensation for the injuries she sustained in the collision, the medical care those injuries have required and will require, and the wages and quality of life she has lost.

2. Elbert's claim arises under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 2671–2680. Because the collision occurred in Florida, Florida law governs Elbert's negligence claim.

JURISDICTION AND VENUE

3. The Court has subject-matter jurisdiction over this action under 28 U.S.C. § 1346(b)(1), which grants the district courts exclusive jurisdiction over civil actions against the United States for money damages for personal injury caused by the negligent or wrongful act or omission of a federal employee acting within the scope of his office or employment.

4. Venue is proper in this judicial district under 28 U.S.C. § 1402(b) because Elbert resides in this district and the act or omission complained of occurred in this district.

Administrative Prerequisites

5. Before filing this action, Elbert, through her prior counsel, presented a written administrative claim to USPS on a Standard Form 95 for the personal

injuries she sustained in the August 15, 2024 collision. The claim described the collision and Elbert's injuries and stated a sum certain.

6. USPS received the claim and assigned the claim USPS Claim No. 320-24-00635183A and National Tort Center File No. NT202616092.

7. By letter dated February 5, 2026, signed by her prior counsel as her legal representative and submitted to the USPS National Tort Center before USPS issued a written denial, Elbert amended her claim to state a sum certain of $1,000,000 for her personal injuries.

8. Elbert presented her claim to USPS within two years after it accrued on August 15, 2024.

9. By letter dated June 5, 2026, sent by certified mail, the USPS National Tort Center denied Elbert's claim, stating that "an investigation of this matter failed to establish a negligent act or omission on the part of the U.S. Postal Service or its employees." A copy of the denial letter is attached as Exhibit 1.

10. Elbert did not file a request for reconsideration under 39 C.F.R. § 912.9(b).

11. Elbert filed this action within six months after USPS mailed its notice of final denial.

12. Elbert has satisfied the administrative prerequisites to suit under 28 U.S.C. § 2675(a). All conditions precedent to this action have occurred or have been performed.

THE PARTIES

13. Plaintiff Elbert is an adult individual who resides in Duval County, Florida.

14. Defendant United States is the proper defendant to this action. Under 28 U.S.C. § 2679(a) and (b)(1) and 39 U.S.C. § 409(c), an action against the United States under the FTCA is the exclusive remedy for personal injury caused by the negligence of a USPS employee acting within the scope of his employment, and USPS may not be sued in its own name on such a claim. The USPS is an independent establishment of the executive branch of the Government of the United States. At the time of the collision, USPS owned the tractor-trailer involved in the collision and operated it as a motor carrier, and Tommy J. Martin ("Martin") was driving it.

BACKGROUND

15. On August 15, 2024, at approximately 8:53 p.m., Elbert was driving a 2018 Audi A6 (the "Audi") westbound on West Bay Street in downtown Jacksonville, approaching its intersection with North Jefferson Street.

16. Elbert was wearing her seat belt.

17. It was dark, the street was lit, and the pavement was dry.

18. West Bay Street carries one-way westbound traffic at North Jefferson Street. East of the intersection, it has four westbound lanes, including a bus lane; west of the intersection, it has three westbound lanes, including a bus lane. The lane lines shift slightly to the left through the intersection.

19. Elbert was driving home from work. She had exited the Acosta Bridge at Broad Street and turned left onto West Bay Street. She stayed in the leftmost through lane because her apartment building, a short distance ahead, required a left turn. She had no reason to change lanes.

20. The USPS tractor-trailer, a 2019 Navistar tractor pulling a 45-foot trailer, was traveling westbound in the lane immediately to the right of Elbert's lane.

21. As the vehicles traveled through the intersection, Martin moved the tractor-trailer to the left, out of its lane and into the lane Elbert occupied.

22. When Martin moved the tractor-trailer into Elbert's lane, the Audi was already in that lane and ahead of the front of the tractor.

23. Elbert did not change lanes. She remained in her lane of travel.

24. The left front of the tractor struck the right rear quarter panel of the Audi. The impact pushed the Audi over and forward and threw Elbert's head into the driver's side window.

25. Upon information and belief, at the time of the collision, Martin was an employee of USPS acting within the scope of his office or employment. This belief is based on the following: (a) USPS owned and operated the tractor-trailer; (b) the crash report identifies USPS as the tractor-trailer's owner and motor carrier under U.S. DOT No. 6211188; (c) the trailer bore USPS markings; (d) Martin's USPS supervisor came to the scene after the collision; and (e) USPS's denial letter addressed only whether "the U.S. Postal Service or its employees" were negligent.

26. At the scene, Martin told Elbert that "the post office would take care of it," and USPS personnel, including Martin's supervisor, came to the scene.

27. A Jacksonville Sheriff's Office officer responded to the scene and documented the collision in Florida Traffic Crash Report No. 26104254 (Jacksonville Sheriff's Office Report No. 500073). Attached hereto as Exhibit 2 is a true and correct copy of the Traffic Crash Report.

28. Elbert relies on Exhibit 2 for the officer's observations of the vehicles and the roadway and for the statements Martin made to the officer. Elbert does not adopt as true Martin's statement that the Audi moved into his lane, which is false for the reasons stated in paragraphs 19 through 24 and 33. Nor does she adopt the officer's statement about GPS data concerning Martin's route before

the intersection. That data is not part of the report, and Martin's route before the intersection does not bear on which vehicle left its lane.

29. The officer recorded the tractor-trailer's maneuver as "Changing Lanes," recorded the maneuver of the Audi as "Straight Ahead," and classified the collision as a sideswipe between vehicles traveling in the same direction. The officer also recorded that Martin's vision was not obscured.

30. Martin told the officer that, as he traveled through the intersection, he was moving the tractor-trailer from Lane 3 to Lane 2. Elbert told the officer that she traveled in Lane 2 through the intersection, remained in her lane, and was struck when the tractor-trailer crossed into her lane.

31. The officer observed that the front left of the tractor's bumper was dislodged and bent and that the mid-section of the right rear quarter panel of the Audi was damaged.

32. The crash report identifies USPS as the owner of the tractor-trailer and as its motor carrier, and records that the vehicle was self-insured.

33. Elbert photographed the vehicles and the roadway at the scene that night. Her photographs show damage concentrated on the right rear of the Audi, at the rear quarter panel and rear passenger door, and show the white line dividing the westbound travel lanes running at or beneath the trailer's tires after the tractor-trailer stopped.

34. Elbert went home after the collision. When she woke up the next day, August 16, 2024, she had severe pain in her neck and back. That evening, she sought emergency care at UF Health Emergency & Urgent Care in Baymeadows for pain in the left side of her neck, her left shoulder, and her lower back. The examining physician found tenderness along the left side of her cervical and thoracic spine, diagnosed cervical muscle pain and back pain following a motor vehicle collision, and prescribed methocarbamol.

35. From August 21, 2024 through April 2, 2025, Elbert received chiropractic and medical care at First Coast Medical Center for neck, upper and mid-back, and low back pain and headaches, including trigger point injections.

36. First Coast's providers excused Elbert from work on August 21, 2024; restricted her to light duty from September 20 through October 18, 2024, with no prolonged sitting, no lifting over 30 pounds, and no climbing stairs; and certified that she was totally incapacitated from October 16 through October 23, 2024, on February 17 and 18, 2025, and from February 21 through March 28, 2025. Elbert began a medical leave of absence from her employer on February 21, 2025. On March 31, 2025, Elbert's physician recommended that she remain off work because of nerve inflammation. Elbert remained on leave until she returned to work on April 14, 2025.

37. Cervical spine x-rays taken on August 22, 2024 showed straightening and loss of the normal cervical lordotic curvature, which the radiologist noted "may be seen in sprain or strain injury."

38. A cervical MRI performed on September 16, 2024 showed moderate ventral spinal stenosis with spinal cord abutment and moderate right neural foraminal stenosis at C4-5, mild ventral spinal stenosis and moderate bilateral neural foraminal stenosis at C5-6, and an abnormal kyphotic curvature of the upper cervical spine, as to which the radiologist noted that "[l]igamentous injury is a consideration." A lumbar MRI performed the same day showed an L5-S1 disc bulge abutting the thecal sac.

39. A thoracic MRI performed on January 31, 2025 showed central disc herniations at T6-7, T7-8, and T8-9, each resulting in spinal stenosis and subarachnoid space impingement.

40. On March 5, 2025, Dr. Omar Moore of NeuroDoc, a neurology practice, evaluated Elbert for headaches, neck and back pain, and difficulty with concentration, memory, and sleep that began after the collision. Dr. Moore diagnosed, among other conditions, concussion without loss of consciousness, post-concussion syndrome, chronic post-traumatic headache, cervical radiculopathy, and chronic post-traumatic stress disorder, and noted that Elbert was "very scared to drive."

41. Dr. Moore concluded that it is "more likely than not that disc bulge and cervical stenosis was caused as a result of MVC on 8/15/24," referring to the collision.

42. On March 24, 2025, an electromyography and nerve conduction study of Elbert's upper extremities, performed by neurologist Dr. Mark Emas, was abnormal and showed "[e]vidence consistent with a mild chronic right C6-C7 cervical radiculopathy."

43. On March 26, 2025, Dr. Abel Murillo of Interventional Pain Professionals administered cervical facet injections at C4-5 and C5-6, a thoracic epidural steroid injection at T8-9, and lumbar facet injections at L5-S1.

44. Between March and October 2025, Elbert received physical therapy and pain management through North Florida Medical Center. On June 23, 2025, Dr. John Marson performed bilateral lumbar radiofrequency ablation at L3, L4, and L5 at Touchton Surgery Center, and on July 24, 2025, under general anesthesia, he performed a VIA Disc procedure at L5-S1.

45. On September 22, 2025, neurosurgeon Dr. Jon Graham of Altus Medical Group evaluated Elbert. After considering her history, diagnostic testing, and prior medical records and examining her, Dr. Graham concluded "within a reasonable degree of medical probability that there is a direct causal relationship between the accident on 08/15/2024 and development of symptoms

for which the patient is being seen today and that these are permanent as a result of the injuries the patient sustained in the accident."

46. On October 6, 2025, Elbert reported to Dr. Graham that epidural steroid injections, medial branch blocks, and ablation therapy had not provided lasting relief of her low back pain. Dr. Graham recommended a minimally invasive right L4-5 and L5-S1 partial discectomy with foraminotomy and medial facetectomy.

47. Altus Medical Group estimates the surgeon's professional fee for the recommended two-level lumbar procedure at approximately $77,500, with surgery center and anesthesia fees billed separately.

48. On October 20, 2025, Elbert reported to her pain-management provider continuing neck, mid-back, and low back pain and headaches, rated her low back pain at 7 to 8 out of 10, and reported that lifting, bending, driving, and basic daily movements worsened her symptoms and that pain disrupted her sleep. Elbert has not had the surgery Dr. Graham recommended. In recent months her symptoms have worsened: she has constant headaches, increasing neck pain, and difficulty getting up and sitting for long periods. She has scheduled a pain-management evaluation for November 2026.

49. At the time of the collision, Elbert was the general manager of the WoodSpring Suites Jacksonville Campfield Commons hotel. She worked full

time on an annual salary of approximately $64,300. On October 6, 2025, Elbert's employment with WoodSpring Suites was terminated.

HARM CAUSED

50. As a direct and proximate result of the collision, Elbert sustained injuries to her cervical, thoracic, and lumbar spine, including cervical radiculopathy, as well as a concussion, post-concussion syndrome, chronic post-traumatic headaches, and chronic post-traumatic stress disorder.

51. To the extent Elbert had any pre-existing degenerative condition of the spine, the collision aggravated that condition and caused it to become symptomatic.

52. Elbert has not been in any other accident or suffered any other injury since the collision.

53. Elbert has incurred expenses for emergency care, chiropractic and medical treatment, diagnostic imaging, electrodiagnostic testing, neurological evaluation, physical therapy, injections, nerve blocks, radiofrequency ablation, a VIA Disc procedure, anesthesia, and surgical consultation. Her providers have billed more than $198,000 for that care.

54. Elbert will incur future medical expenses, including the cost of the two-level lumbar surgery Dr. Graham recommended, the associated surgery center and anesthesia charges, and follow-up care.

55. Elbert lost wages when her injuries, her medical treatment, and the work restrictions her treating providers imposed prevented her from working, including: (a) the periods described in paragraph 36, through April 13, 2025; (b) January 21 through January 26, 2025, when worsening symptoms kept her from work; (c) May 2, 2025, when severe pain kept her from work; and (d) June 18 through July 27, 2025, when she was on medical leave for the procedures described in paragraph 44. Elbert's employment ended on October 6, 2025. She does not seek in this action wages lost because of the termination of her employment. Her permanent injuries have, however, reduced her capacity to earn money in the future by limiting her ability to sit for long periods, lift, bend, and drive.

56. Elbert's injuries are permanent within a reasonable degree of medical probability.

57. As a result of the injuries she sustained in the collision, Elbert has experienced, and will continue to experience, bodily injury, pain and suffering, disability, physical impairment, mental anguish, inconvenience, and loss of capacity for the enjoyment of life. Her injuries continue to limit her ability to lift, bend, drive, sleep, and carry out ordinary daily activities.

58. Since the collision, Elbert has been afraid to drive and stays home far more than she did before.

COUNT I
Negligence under the Federal Tort Claims Act, against the United States

59. Elbert incorporates the allegations in paragraphs 1 through 58, above.

60. As the driver of a motor vehicle on a public street, Martin owed Elbert a duty to use reasonable care in operating the tractor-trailer, including a duty to keep a proper lookout for vehicles around it.

61. Pursuant to Fla. Stat. § 316.089(1), a driver must keep a vehicle as nearly as practicable entirely within a single lane and may not move it from that lane until first ascertaining that the movement can be made with safety. Pursuant to Fla. Stat. § 316.085(2), a driver may not drive a vehicle from a direct course in any lane until determining that no other vehicle is approaching or passing in the lane or on the side to which the driver intends to move, and that the move can be completed safely without interfering with vehicles traveling in the same direction. And pursuant to Fla. Stat. § 316.1925(1), a driver must operate a vehicle in a careful and prudent manner, having regard for the width of the roadway, traffic, and all other attendant circumstances. Martin's violation of these traffic regulations is prima facie evidence of his negligence.

62. Martin breached his duty of care by moving the tractor-trailer from its lane into the lane Elbert occupied without first ascertaining that the movement could be made safely.

63. Martin breached his duty of care by failing to determine, before leaving his lane, whether a vehicle was traveling in the lane to his left, and by failing to see the Audi, which was already in that lane and ahead of the front of the tractor.

64. Martin breached his duty of care by failing to keep the tractor-trailer within a single lane as it traveled through the intersection.

65. Martin breached his duty of care by failing to account for the length of the tractor-trailer, the leftward shift of the lane lines through the intersection, and the traffic in the adjacent lane when he changed lanes at night.

66. Martin's breaches directly and proximately caused the collision. Had Martin remained in his lane, or determined before moving left that the Audi occupied the lane he was entering, the left front of the tractor would not have struck the right rear of the Audi.

67. The collision directly and proximately caused Elbert's injuries and the damages described in paragraphs 50 through 58.

68. Martin committed these acts and omissions while acting within the scope of his office or employment with USPS.

69. Under federal law, the United States is liable to Elbert for Martin's negligence in the same manner and to the same extent as a private employer

would be liable under Florida law for the negligence of its employee acting within the scope of employment.

70. As a result of Martin's negligence, Elbert has suffered and continues to suffer substantial harm.

PRAYER FOR RELIEF

For the foregoing reasons, Plaintiff Bianca L. Elbert requests that the Court enter judgment on the Complaint, in her favor and against the United States, in a total amount not to exceed $1,000,000, as follows:

A. Award Elbert compensatory damages for her past and future medical expenses, in a fair and reasonable amount to be determined at trial;

B. Award Elbert compensatory damages for her lost wages and loss of earning capacity, in a fair and reasonable amount to be determined at trial;

C. Award Elbert compensatory damages for her past and future pain and suffering, disability, physical impairment, mental anguish, inconvenience, and loss of capacity for the enjoyment of life, in a fair and reasonable amount to be determined at trial;

D. Award Elbert the costs and fees she incurred in this action under 28 U.S.C. § 2412(a)(1), including her reasonable attorney fees;

E. Award Elbert post-judgment interest to the extent permitted by law; and

F. Grant Elbert such other relief as the Court deems just and proper.

Dated: November 13, 2026

/s/ Jordan D. Howlette
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