

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

ROBERT DIXON as Personal Representative  
of the Estate of MARY ELLEN PENDER,

Plaintiff,

CASE NO. 24-002981-CI

v.

J. MASON WILLIAMS IV, as Personal  
Representative of the Estate of JEMIN  
GHANSHYAMBHAI PATEL, and  
CONTROL DATA, INC., A Foreign  
Profit Corporation,

Defendant.

\_\_\_\_\_ /

**AMENDED COMPLAINT**

Plaintiff, ROBERT DIXON, as Personal Representative of the Estate of MARY ELLEN PENDER, sues J. MASON WILLIAMS IV, as Personal Representative of the Estate of JEMIN GHANSHYAMBHAI PATEL, and CONTROL DATA, INC., and as grounds therefore states as follows:

**GENERAL ALLEGATIONS**

1. This is an action for damages in excess of fifty-thousand dollars and zero cents (\$50,000.00).<sup>1</sup>
2. Jurisdiction is properly with this Court pursuant to sections 48.193(1)(a)(1) and (2), Florida Statutes.

---

<sup>1</sup> The Civil Cover Sheet required to be filed with this Complaint seeks at question No. 2 “the estimated amount of the claim, rounded to the nearest dollar.” Plaintiff inserted \$50,001.00 in order to comply with jurisdictional minimums, with the understanding that the actual value of this case is more than the jurisdictional minimum and increasing daily, and is therefore, not subject to a precise assessment or estimate as of the date of filing this Complaint.

3. Venue for this action is proper in Pinellas County, Florida, pursuant to Florida Statute § 47.051, as it is the county in which the incident and the actions giving rise to the causes of action occurred.

4. On April 10, 2024, Plaintiff, ROBERT DIXON, was appointed as the Personal Representative of the Estate for his wife, MARY ELLEN PENDER, after her death on or about February 1, 2024. The Order Appointing Personal Representative and Letters of Administration are attached as **Exhibit A**.

5. The survivors of MARY ELLEN PENDER, as defined in the Florida Wrongful Death Act, Fla. Stat. §768.16, et. seq., and their relationships to the decedent which are being presented by the Personal Representative include:

- a. The Estate of MARY ELLEN PENDER a/o ROBERT DIXON, as Personal Representative of the Estate of MARY ELLEN PENDER; and
- b. ROBERT DIXON, the legally wed husband of MARY ELLEN PENDER.

6. Plaintiff, ROBERT DIXON, as Personal Representative of the Estate of MARY ELLEN PENDER, (hereinafter referred to as “Plaintiff”) is entitled and empowered by the Florida Wrongful Death Act to recover for MARY ELLEN PENDER’s survivors, beneficiaries, and estate all appropriate damages pursuant to Florida’s Wrongful Death Act.

7. At all times material hereto, Plaintiff was a resident of Pinellas County, Florida.

8. Upon information and belief, and at all times material hereto, JEMIN GHANSHYAMBHAI PATEL was a resident of Brevard County, Florida until his death on or about February 1, 2024.

9. Defendant J. MASON WILLIAMS IV was appointed as the Personal Representative of the Estate of JEMIN GHANSHYAMBHAI PATEL on or about July 1, 2024.

10. At all times material hereto, Defendant J. MASON WILLIAMS IV, as Personal Representative of the Estate of JEMIN GHANSHYAMBHAI PATEL (hereinafter referred to as “the Estate of Jemin Patel”), was and is a resident of Brevard County, Florida.

11. Upon information and belief, at all times material hereto, Defendant, CONTROL DATA, INC. (hereinafter referred to as “Defendant CONTROL DATA”), was a Foreign Profit Corporation, with its principal place of business located in Brevard County, Florida.

12. Upon information and belief, JEMIN GHANSHYAMBHAI PATEL was the registered business owner and director of Defendant CONTROL DATA.

13. On or about August 1, 2024, J. MASON WILLIAMS IV was named as the president and director of Defendant CONTROL DATA, signing as Successor Personal Representative of the Estate of Jemin Patel.

14. Upon information and belief, and at all times material hereto, JEMIN GHANSHYAMBHAI PATEL was an employee, agent, or apparent agent of Defendant CONTROL DATA and was acting within the course and scope of his employment with Defendant CONTROL DATA at the time of the Crash.

15. Upon information and belief, Defendant CONTROL DATA was the registered owner of a Beech V35B bearing Aircraft Registration Number 6659L (hereinafter “Aircraft”) and provided permission to JEMIN GHANSHYAMBHAI PATEL to operate the Aircraft.

16. On February 1, 2024, MARY ELLEN PENDER, was a visitor at 2647 Pagoda Drive, Clearwater, Pinellas County, Florida (hereinafter referred to as the “the Home”).

17. On February 1, 2024, JEMIN GHANSHYAMBHAI PATEL was operating the Aircraft in the airspace over the Home.

18. On February 1, 2024, prior to impacting the Home, JEMIN GHANSHYAMBHAI PATEL became aware that the Aircraft he was operating was unsafe to operate.

19. JEMIN GHANSHYAMBHAI PATEL continued to operate the Aircraft, which apparently caught fire.

20. JEMIN GHANSHYAMBHAI PATEL lost control of the Aircraft, resulting in a fatal crash of the Aircraft into the Home, causing the death of MARY ELLEN PENDER (hereinafter referred to as the “Crash”).

**COUNT I**  
**NEGLIGENCE OF JEMIN GHANSHYAMBHAI PATEL**

21. Plaintiff incorporates and realleges paragraphs 1 through 20, as if fully set forth herein.

22. At all times material hereto, JEMIN GHANSHYAMBHAI PATEL owed a non-delegable duty to the public, and to MARY ELLEN PENDER, to exercise reasonable care in the operation and maintenance of the Aircraft, and to ensure that the Aircraft was operated and maintained in accordance with the laws of the State of Florida.

23. On February 1, 2024, JEMIN GHANSHYAMBHAI PATEL breached those duties by failing to operate and maintain the Aircraft in a safe manner, thereby causing the Crash.

24. As a direct and proximate result of the foregoing negligence, MARY ELLEN PENDER’s survivors and beneficiaries suffered the following damages, which are compensable under Florida’s Wrongful Death Statute, pursuant to Florida Statute § 768.21:

- a. Loss of support and services from the date of injury to the date of death, with interest, and future loss of support and services from the date of death;
- b. Loss of companionship, instruction, and guidance and damages for mental pain and suffering;

- c. Medical and funeral expenses that have or may become charged against the Estate or that were paid by or on behalf of MARY ELLEN PENDER due to her death; and
- d. All other compensable damages pursuant to Florida Statute § 768.21.

25. **WHEREFORE**, Plaintiff, ROBERT DIXON, as Personal Representative of the Estate of MARY ELLEN PENDER, deceased, demands judgment against Defendant J. MASON WILLIAMS IV, as Personal Representative of the Estate of JEMIN GHANSHYAMBHAI PATEL, for damages in an amount in excess of fifty-thousand dollars and zero cents (\$50,000.00), plus post-judgment interest, attorneys' fees where appropriate, and taxable costs of these proceedings. Plaintiff further demands a trial by jury on all issues so triable.

**COUNT II**  
**NEGLIGENCE OF CONTROL DATA, INC.**

Plaintiff incorporates and realleges paragraphs 1 through 20, 22 through 25 above.

26. At all times material hereto, CONTROL DATA, INC. owed to the public and to MARY ELLEN PENDER a non-delegable duty to exercise reasonable care in the operation and maintenance of the Aircraft, and to ensure that the Aircraft was operated in accordance with all applicable laws and regulatory requirements.

27. At all times material hereto, CONTROL DATA, INC., was directly liable for its own negligent acts and omissions and was vicariously liable for the negligent acts and omissions of its agents, apparent agents, servants, employees, contractors, owners and/or directors acting within the course and scope of such relationship and in furtherance of CONTROL DATA, INC.'s, business pursuits.

28. Upon information and belief, on or about February 1, 2024, CONTROL DATA, INC. breached its duty to the public and to MARY ELLEN PENDER, directly and vicariously, by permitting or causing the Aircraft to be operated and maintained in a negligent manner.

29. By virtue of Florida's Dangerous Instrumentality Doctrine and the Doctrine of Respondeat Superior, CONTROL DATA, INC. is responsible for the actions of CONTROL DATA, INC.'s employees, servants, agents, apparent agents, owners and/or directors, including but not limited to the negligence of JEMIN GHANSHYAMBHAI PATEL, and CONTROL DATA, INC.'s negligent operation or direction.

30. As a direct and proximate result of the negligence of CONTROL DATA, INC., MARY ELLEN PENDER suffered traumatic bodily injury and death. As a direct and proximate result of this traumatic bodily injury, MARY ELLEN PENDER died.

31. As a direct and proximate result of the foregoing negligence, MARY ELLEN PENDER's survivors and beneficiaries suffered the following damages, which are compensable under Florida's Wrongful Death Statute, Florida Statute § 768.21:

- a. Loss of support and services from the date of injury to the date of death, with interest, and future loss of support and services from the date of death;
- b. Loss of companionship, instruction, and guidance and damages for mental pain and suffering;
- c. Medical and funeral expenses that have or may become charged against the Estate or that were paid by or on behalf of MARY ELLEN PENDER due to her death;  
and
- d. All other compensable damages pursuant to Florida Statute § 768.21.

**WHEREFORE**, Plaintiff, ROBERT DIXON, as Personal Representative of the Estate of MARY ELLEN PENDER, deceased, demands judgment against Defendant, CONTROL DATA, INC., for damages in an amount in excess of fifty-thousand dollars and zero cents (\$50,000.00), plus post-judgment interest, attorneys' fees, where appropriate, and taxable costs of these proceedings. Plaintiff further demands a trial by jury on all issues so triable.

Dated: August 22, 2024.

/s/ Marc Matthews  
Marc Matthews  
Florida Bar No. 0711098  
McIntyre Thanasides Bringgold Elliott  
Grimaldi & Guito, P.A  
1228 E. 7<sup>th</sup> Avenue, Suite 100  
Tampa, Florida 33605  
T: (813) 530-1000 | F: (813) 830-7221  
*Attorneys for Plaintiff*

**Service of Court Documents:**  
[DTeam1@mcintyrefirm.com](mailto:DTeam1@mcintyrefirm.com)

Filing # 195109283 E-Filed 03/29/2024 02:43:43 PM

FILED 04/11/2024 09:54:36 KEN BURKE, CLERK OF THE CIRCUIT COURT AND COMPTROLLER, PINELLAS COUNTY FLORIDA

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
PROBATE DIVISION**

**IN RE: ESTATE OF**

**FILE NO.**

**MARY ELLEN PENDER,**

**DECEASED.**

\_\_\_\_\_ /

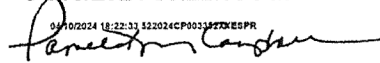
**ORDER APPOINTING PERSONAL REPRESENTATIVE  
(formal administration)**

On the petition of **ROBERT DIXON** for administration of the estate of **MARY ELLEN PENDER**, deceased, and the court finding that the decedent died on February 1, 2024, and that **ROBERT DIXON** is entitled to appointment as personal representative and is qualified to be personal representative, it is

**ADJUDGED** that **ROBERT DIXON** is appointed Personal Representative of the Estate of Decedent, and that upon taking the prescribed oath, and filing Designation and Acceptance of Resident Agent, and entering into bond in the sum of \$18,000.00, Letters of Administration shall be issued.

**ORDERED on** \_\_\_\_\_.

04/10/2024 06:22:33 PM



Pamela A. M. Campbell, Circuit Judge  
04/10/2024 18:22:33 522024CP00322XKESPR

**Circuit Judge**

**Please furnish copies to:**

Bruce Marger, Esq.  
bmarg@brdwlaw.com



Filing # 195109283 E-Filed 03/29/2024 02:43:43 PM

FILED 04/11/2024 09:55:35 KEN BURKE, CLERK OF THE CIRCUIT COURT AND COMPTROLLER, PINELLAS COUNTY FLORIDA

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
PROBATE DIVISION**

**IN RE: ESTATE OF**

**FILE NO.**

**MARY ELLEN PENDER,**

**DECEASED.**

\_\_\_\_\_ /

**LETTERS OF ADMINISTRATION  
(Single Personal Representative)**

**TO ALL WHOM IT MAY CONCERN:**

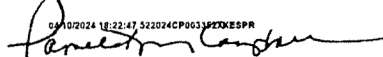
**WHEREAS, MARY ELLEN PENDER,** a resident of Pinellas County, Florida, died on or about February 1, 2024, and

**WHEREAS, ROBERT DIXON** has been appointed Personal Representative of the Estate of Decedent and has performed all acts prerequisite to issuance of Letters of Administration in the Estate,

**NOW, THEREFORE, I,** the undersigned Circuit Judge, declare **ROBERT DIXON** duly qualified under the laws of the State of Florida to act as Personal Representative of the **ESTATE OF MARY ELLEN PENDER,** deceased, with full power to administer the Estate according to law; to ask, demand, sue for, recover and receive the property of Decedent; to pay the debts of 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**

04/10/2024 06:22:47 PM



Daniela A. M. Campbell, Circuit Judge

04/10/2024 18:22:47 222024CP003352XKEBPR

**Circuit Judge**

**Please furnish copies to:**

Bruce Marger, Esq.

[bmarg@brdwlaw.com](mailto:bmarg@brdwlaw.com)