

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

LORI DRUMMOND as Personal Representative of
the Estate of MARTIN DRUMMOND
Plaintiff

CASE NO.
CIRCUIT CIVIL DIVISION

v.

ELISE ELDER
Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff, LORI DRUMMOND as Personal Representative of the Estate of MARTIN DRUMMOND, by and through her undersigned counsel, hereby files and serves her Complaint and sues the Defendant, ELISE ELDER, and further alleges as follows:

JURISDICTIONAL ALLEGATIONS

1. This is an action for legal and monetary damages in which the amount in controversy is well in excess of the jurisdictional minimum of \$50,000.00.

2. At all times material hereto, the Decedent, MARTIN DRUMMOND (hereinafter referred to alternatively as the Plaintiff, the Decedent, Mr. Drummond or by his full name where appropriate) was a resident of the State of Florida and maintained a domicile within the boundaries of Martin County. An Estate has been opened on behalf of Mr. Drummond in the Circuit Court of Martin County and his Surviving Spouse, LORI DRUMMOND, has been appointed as the Personal Representative.

3. At all times material hereto, the Defendant, ELISE ELDER (hereinafter referred to as the Defendant, Ms. Elder or by her full name where appropriate), has been a resident of the State of Florida and has maintained her principal domicile within the boundaries of Martin County. Ms. Elder is over the age of majority, and she is not, nor has she ever been, a member of the United States Military as that term is defined by the Soldiers and Sailors Relief Act (as amended).

4. The operative facts giving rise to this action occurred within the boundaries of Martin County, Florida.

5. Therefore, jurisdiction and venue are appropriate in the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida.

GENERAL ALLEGATIONS

The Plaintiff hereby re-alleges and incorporates paragraphs 1-5 as though they were fully set forth herein, and further states as follows:

6. On June 28, 2024, at approximately 6:45 a.m., MARTIN DRUMMOND was riding his bicycle in the eastbound (designated bike lane) of the Evans Crary Bridge which spans from Stuart into Sewall's Point. Mr. Drummond, who lived in Sewall's Point and was traveling home after his morning ride, was an avid bicyclist and he traveled this route on a near-daily basis.

7. At that same time and place, the Defendant, ELISE ELDER, was driving a blue BMW 530I model vehicle eastbound on East Ocean Boulevard with the apparent intent to head into Sewall's Point where she resided with her parents. As Ms. Elder approached the Evans Crary Bridge, she was traveling at speeds that were approximately three times faster than the posted speed limit. In fact, the reckless nature with which she was driving drew the attention of at least one other motorist who swerved into a different lane in order to avoid being struck.

8. As Ms. Elder ascended the Evans Crary Bridge at this high rate of speed, and was approximately halfway to the apex, she suddenly swerved into the designated bicycle lane and struck Martin Drummond.

9. As Ms. Elder's vehicle slammed into Mr. Drummond's bicycle, he came crashing down onto her windshield before falling to the ground where his bike became lodged behind one of her wheels.

10. Despite her absolute knowledge that she had struck a cyclist causing severe injuries, the Defendant failed to stop and instead continued to proceed eastbound at an alarming rate of

speed. As she did, the Defendant dragged both the bicycle and Mr. Drummond's body **until his head was decapitated**, and his body detached from the vehicle.

11. Once Mr. Drummond's body detached from her vehicle, Ms. Elder continued dragging his bicycle for more than a mile before it came loose just before she turned into her parents' driveway.

12 The Defendant then remained at her parents' home until law enforcement arrived.

13. Upon making contact with the Defendant, law enforcement immediately observed that she smelled of alcohol and had bloodshot, watery eyes. As a result, the Defendant was asked to submit to field sobriety tests but she refused to do so. Therefore, law enforcement obtained a warrant and used it to extract two vials of blood in order to conduct a blood-alcohol test.

14. Thereafter, the Defendant submitted to a breathalyzer examination which revealed that her blood-alcohol level was between .212 and .225, nearly six (6) hours after the collision. In other words, the Defendant had a blood-alcohol level that was still **three times** the legal limit approximately six (6) hours after killing Mr. Drummond.

COUNT I – WRONGFUL DEATH

The Plaintiff hereby re-alleges and incorporates paragraphs 1-14 above as though they were fully set forth herein, and further alleges as follows:

15. On June 28, 2024, at approximately 6:45 a.m., the Defendant was operating a Blue BMW 503I motor vehicle with license tag JWEE88 and Vehicle Identification Number WBAJA7C59KG910495 in the eastbound lane of East Ocean Boulevard in Martin County.

16. As the operator of a motor vehicle on the public streets of the State of Florida, the Defendant owed a duty of reasonable care to other motorists, pedestrians and bicyclists in the vicinity. This duty of care extended specifically to MARTIN DRUMMOND who was riding his bicycle in the eastbound direction of the Evans Crary Bridge as Ms. Elder's vehicle approached.

17. The Defendant breached her duty of care by operating her vehicle in a careless, negligent and reckless manner such that it came into contact with Mr. Drummond.

18. As a direct and proximate result of the Defendant's actions, MARTIN DRUMMOND died.

19. Mr. Drummond is survived by two adult daughters a Surviving Spouse, LORI DRUMMOND, who is the statutory survivor for purposes of the wrongful death act.

20. As a direct and proximate cause of the Defendant's wrongful and tortious actions, the Plaintiff's Surviving Spouse, LORI DRUMMOND, has suffered and continues to suffer lost companionship and protection as well as mental pain and suffering from the date of the injury. Additionally, Ms. Drummond has lost the support and services of Mr. Drummond. Finally, the Decedent's Estate has sustained monetary damages in the amount of funeral expenses and the loss of net prospective accumulations. The Plaintiff requests and demands judgment in an amount determined by the trier-of-fact against the Defendant.

WHEREFORE, the Plaintiff hereby demands judgment against the Defendant, ELISE ELDER, in an amount determined by the jury in this matter and also demands a judgment for costs. The Plaintiff reserves the right to amend this Complaint upon proper notice and approval in order to seek an additional judgment for punitive damages. The Plaintiff demands a trial by jury of all issues so triable as a matter of right.

DEMAND FOR JURY TRIAL

The Plaintiff, LORI DRUMMOND as Personal Representative of the Estate of MARTIN DRUMMOND, hereby demands a trial by jury of all issues contained within this Complaint and/or the pleadings in this matter as amended in the future.

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