

**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
IN AND FOR BAY COUNTY, FLORIDA**

**CASE NO:**

**MATT KIRCHGESSNER,  
Individually, and as Personal  
Representative of the Estates of  
BAYLOR KIRCHGESSNER and  
ADDIE KIRCHGESSNER, his  
deceased minor children, and on behalf  
of statutory survivors, and LAUREN  
KIRCHGESSNER,**

**Plaintiffs,**

**vs.**

**TIM M. SMITH, M.D. and BILLY's  
STEAMER & OYSTER BAR, INC.,  
and SCOTT DONALDSON,**

**Defendants.**

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**COMPLAINT**

COME NOW the Plaintiffs, MATT KIRCHGESSNER, Individually, and as Personal Representative of the Estates of BAYLOR KIRCHGESSNER and ADDIE KIRCHGESSNER, his deceased minor children, and on behalf of all statutory survivors, and LAUREN KIRCHGESSNER, by and through their undersigned counsel, and hereby sue TIM M. SMITH, M.D., BILLY's STEAMER & OYSTER BAR, INC., and SCOTT DONALDSON, and alleges as follows:

**JURISDICTION, PARTIES, VENUE**

1. This is a medical malpractice/wrongful death action for damages against Defendant, TIM M. SMITH, M.D. that exceeds the sum of FIFTY THOUSAND DOLLARS