

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR COLLIER COUNTY, FLORIDA                      CIVIL DIVISION**

**AMY ELIZABETH WILKINSON,**

**Case No.:**

**Plaintiff,**

**vs.**

**CARY ALAN CLIFF, an individual;  
and CARY ALAN CLIFF, P.A., a  
Florida corporation,**

**Defendants.**

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

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Plaintiff, Amy Elizabeth Wilkinson (“Wilkinson”) by and through undersigned counsel, sues Defendants Cary Alan Cliff, (“Attorney Cliff”) and Cary Alan Cliff, P.A. and alleges:

**Parties, Jurisdiction, Venue**

1. This is an action for professional negligence and attorney malpractice.
2. This is an action for damages which in excess of \$100,000.00 exclusive of costs, interest, and attorney fees.
3. This Court has jurisdiction over this case under § 26.012, Fla. Stat.
4. Venue is proper before this Court under §§ 47.011 and 47.051, Fla. Stat.
5. At all times material to this case, Plaintiff Wilkinson is an

individual and resident of Collier County, Florida.

6. At all times material to this case, Defendant Attorney Cliff was an individual who, upon information and belief, is a resident of Collier County, Florida. Attorney Cliff was personally involved and tasked with, and accepted fiduciary responsibility for, the matters alleged herein. Plaintiff is asserting, *inter alia*, a professional liability claim against Attorney Cliff.

7. At all times material to this case, Defendant Cary Alan Cliff, P.A. was a Florida corporation with its principal place of business located at 1100 5th Avenue South, Suite 209, Naples, Florida, 34102 and was engaged in the business of providing legal services in Collier County, Florida.

### **General Allegations**

8. Defendant Cary Alan Cliff, P.A. is a Florida profit corporation owned by Attorney Cliff, who at all times material to this case, was licensed to practice and practicing law in the state of Florida.

9. Plaintiff retained Defendants as her attorneys to represent her in connection with securing the Final Judgment entered on January 7, 2017 in Collier County, Florida, Case No. 13-DR-2445. That judgment established the paternity of nonparty Kirk Stein, awarded Wilkinson sole parental responsibility of their minor child, established a timesharing plan, child support and other matters.

10. Defendants represented Wilkinson in connection with Stein's *Petition and Supplemental Petition to Modify the Parenting Plan/Timesharing Schedule, Parental Responsibility, Child Support, Contempt and other Relief* filed in February 2020.

11. Attorney Cliff must possess the skill and knowledge possessed by other members of the profession in similar circumstances, and he and Cary Alan Cliff, P.A. must carry out the matters entrusted to their professional care with a reasonable degree of skill and knowledge.

12. Defendants failed to possess and exercise such skill and knowledge in their representation of Wilkinson.

13. Plaintiff has retained the undersigned attorneys to prosecute this lawsuit on her behalf and is required to pay her attorneys a reasonable fee for their services in connection with the prosecution of this lawsuit.

14. All conditions precedent to this lawsuit have been performed, satisfied or waived.

#### **COUNT I: PROFESSIONAL NEGLIGENCE**

15. Plaintiff realleges and incorporates paragraphs 1 through 14, as if fully set forth herein.

16. At all times material hereto, an attorney-client relationship existed between Wilkinson, Attorney Cliff and Cary Alan Cliff, P.A.

17. Defendants had a duty to the Plaintiff to possess the skill and knowledge possessed by other members of the profession in similar circumstances, and must carry out the Plaintiff's matters entrusted to their professional care with a reasonable degree of skill and knowledge.

18. The Defendants materially breached these duties, and were negligent, careless, willful, wanton, and/or reckless, in representing Plaintiff.

19. The Defendants failed to possess and exercise such skill and knowledge during and after their representation of Plaintiff.

20. As a direct and proximate result of the Defendants' breaches of the duties owed to Plaintiff, Plaintiff has incurred substantial damages, including, but not limited to, monetary losses, attorneys' fees, and costs.

WHEREFORE, Plaintiff Wilkinson hereby demands judgment against the Defendants Attorney Cliff and Cary Alan Cliff, P.A., jointly and severally, for money damages, consequential damages, pre- and post-judgment interest, court costs, punitive damages upon a proper showing or proffer under Florida Statutes § 768.72, and such other and further relief as this Court deems just and proper.

## **COUNT II: BREACH OF CONTRACT**

21. Plaintiff realleges and incorporates paragraphs 1 through 14 and 16 through 17, as if fully set forth herein.

22. The attorney-client relationship between Defendants and Plaintiff was created by a binding contract between the parties. It was understood as part of the contract that Defendants had a duty to use their best efforts, with the requisite skill, knowledge and attention, to represent the Plaintiff's interests fully and diligently.

23. Plaintiff paid the Defendants substantial sums of money as consideration for their representation under these terms.

24. The Defendants materially breached that duty by failing to possess and exercise the requisite skill and knowledge throughout their representation of Plaintiff.

25. As a direct and proximate result of the Defendants' breach of contract, Plaintiff has incurred substantial damages, including, but not limited to, monetary losses, attorneys' fees, and costs.

WHEREFORE, Plaintiff Wilkinson hereby demands judgment against the Defendants Attorney Cliff and Cary Alan Cliff, P.A., jointly and severally, for money damages, consequential damages, pre- and post-judgment interest, court costs, and such other and further relief as this Court deems just and proper.

### **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable.

Respectfully submitted on Friday, May 23, 2025.

**ESQUIVEL LAW, CHARTERED**

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