

CASE NO.:

INJURED PERSON,

Plaintiff,

v.

PUBLIX SUPERMARKETS, INC.,

Defendant.

_____ /

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, INJURED PERSON, by and through her undersigned counsel, and files this Complaint for Damages and Demand for Jury Trial against Defendant, PUBLIX SUPERMARKETS, INC., a Florida Corporation and would state as follows:

1. That this is an action for damages in excess of the sum of Fifteen Thousand (\$15,000.00) Dollars, exclusive of interest and costs.

2. At all times material hereto, Plaintiff, **INJURED PERSON**, was and is a resident of Miami-Dade County, Florida, and otherwise *sui juris*.

3. At all times material hereto, Defendant, **PUBLIX**, was a Florida Corporation authorized to conduct business in Florida and who was conducting business in Florida.

4. At all times material hereto, PUBLIX owned, operated, controlled, possessed and/or maintained PUBLIX store number xx, which was located at or near, Miami, FL 331XX, in Miami-Dade County, Florida.

5. On DATE, Plaintiff, **INJURED PERSON**, a business invitee that was lawfully on the Defendant's premises, was caused to slip and fall due to a dangerous, defective and/or unsafe condition, to wit, water and/or liquid and/or grime and/or grease and/or dirt left on the floor.

COUNT I - NEGLIGENCE AGAINST PUBLIX

6. Plaintiff alleges paragraphs 1-5 as if fully set forth herein.

7. At all times material hereto, Defendant, **PUBLIX**, owed Plaintiff, **INJURED PERSON**, a duty to maintain its premises in a reasonably safe condition so as to be safe and free

from foreseeable risks of harm, to refrain from conduct that would injure the Plaintiff, and to warn the Plaintiff of any dangerous conditions on its premises. Defendant's duties are non-delegable.

8. On DATE, Defendant, **PUBLIX**, by and through its agents, servants, representatives, and/or employees, breached its duties owed to the Plaintiff, **INJURED PERSON**, by one or more of the following ways:

- a. Negligently and carelessly failed to maintain the aisle ways and checkout area free of obstruction and debris; and/or
- b. Negligently and carelessly failing to maintain and clean the floors in Defendant's premises; and/or
- c. Negligently and carelessly failed to place cones, signs or otherwise warn or advise the Plaintiff of the presence of debris on the floor; and/or
- d. Negligently and carelessly failed to take appropriate corrective or remedial action to maintain the floor on its premises; and/or
- e. Negligently failing to hire sufficient personnel to maintain the floors and/or;
- f. Negligently failing to hire the appropriate personnel to maintain the floors; and/or
- g. Negligently failing to properly train, educate, and/or monitor its employees, agents, servants and/or representatives, so that invitee's such as **INJURED PERSON** can be safe and free from foreseeable risks of harm such as water and/or liquid and/or grime and/or grease and/or dirt left on the floor; and/or
- h. Negligently and carelessly failed to properly and timely inspect the area of the floor where Plaintiff's accident occurred; and/or
- i. Negligently failed to institute or implement policies and procedures of a reasonable inspection and cleaning of its premises, thereby causing water

and/or liquid and/or grime and/or grease and/or dirt to remain on their floors for an unreasonably long amount of time;

j. Was negligent in their mode of operation by allowing an open container with water to be placed near the end of the checkout registers to be used to separate the grocery bags or for other means, thereby causing water to be on their floors, all when it was foreseeable that invitee's such as **INJURED PERSON** would cause heavy foot traffic in their aisles and/or premises;

k. Was otherwise negligent at the time and place complained of.

9. At all times material hereto, Defendant, **PUBLIX**, knew or, in the exercise of reasonable care, should have known of the dangerous and hazardous condition on its premises and/or the condition had existed for a sufficient length of time so that the Defendant knew or should have known of the condition and could have easily remedied the condition.

10. As a direct and proximate result of the negligence of the Defendant, as alleged above, Plaintiff, **INJURED PERSON**, slipped and fell, and was caused to suffer bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, the expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and/or aggravation of a previously existing condition. These losses are either permanent or continuing in nature, and the Plaintiff will suffer such losses in the future.

WHEREFORE, Plaintiff, **INJURED PERSON**, sues Defendant **PUBLIX**, for compensatory damages in excess of the minimum jurisdictional limit of the Court, taxable costs, prejudgment interest, other damages to the extent allowable by law, and demands trial by jury of all issues so triable.

COUNT II: VICARIOUS LIABILITY AGAINST PUBLIX

11. Plaintiff alleges paragraphs 1-5 as if fully set forth herein.

12. At all times material hereto, Defendant, **PUBLIX**, owed Plaintiff, **INJURED PERSON**, a duty to maintain its premises in a reasonably safe condition so as to be safe and free from foreseeable risks of harm, to refrain from conduct that would injure the Plaintiff, and to warn the Plaintiff of any dangerous conditions on its premises. Defendant's duties are non-delegable.

13. Defendant, **PUBLIX**, is viciously responsible for the negligent acts and omissions of its agents, servants, representatives, employees and/or contractors, given its non-delegable duties.

14. On October 4, 2011, **PUBLIX** agents, servants, representatives, employees and/or contractors had a duty to perform their work on behalf of **PUBLIX** with reasonable care.

15. On October 4, 2011, **PUBLIX** agents, servants, representatives, employees and/or contractors breached their duty of care and were negligent by one or more of the following ways:

- a. Negligently and carelessly failed to maintain the aisle ways and checkout area free of obstruction and debris; and/or
- b. Negligently and carelessly failing to maintain and clean the floors in Defendant's premises; and/or
- c. Negligently and carelessly failed to place cones, signs or otherwise warn or advise the Plaintiff of the presence of debris on the floor; and/or
- d. Negligently and carelessly failed to take appropriate corrective or remedial action to maintain the floor; and/or
- e. Negligently failing to hire sufficient personnel to maintain the floors and/or;
- f. Negligently failing to hire the appropriate personnel to maintain the floors; and/or
- g. Negligently failing to properly train, educate, and/or monitor its employees, agents, servants and/or representatives, so that invitee's such as **INJURED PERSON** can be safe and free from foreseeable risks of harm

such as water and/or liquid and/or grime and/or grease and/or dirt left on the floor; and/or

- h. Negligently and carelessly failed to properly and timely inspect the area of the floor where Plaintiff's accident occurred;
- i. Negligently failed to institute or implement policies and procedures of a reasonable inspection and cleaning of the premises, thereby causing and/or to remain on the floors for an unreasonably long amount of time; and/or
- j. Was otherwise negligent at the time and place complained of.

16. At all times material hereto, **PUBLIX** agents, servants, representatives, employees and/or contractors knew or, in the exercise of reasonable care, should have known of the dangerous and hazardous condition on the premises and/or the condition had existed for a sufficient length of time such that **PUBLIX** agents, servants, representatives, employees and/or contractors knew or should have known of the condition and could have easily remedied the condition.

17. As a direct and proximate result of the negligence of **PUBLIX** agents, servants, representatives, employees and/or contractors, as alleged above, of which **PUBLIX** is vicariously liable given its non-delegable duties, Plaintiff, **INJURED PERSON**, slipped and fell, and was caused to suffer bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, the expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and/or aggravation of a previously existing condition. These losses are either permanent or continuing in nature, and the Plaintiff will suffer such losses in the future.

WHEREFORE, Plaintiff, **INJURED PERSON**, sues Defendant **PUBLIX**, for compensatory damages in excess of the minimum jurisdictional limit of the Court, taxable costs, prejudgment

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interest, other damages to the extent allowable by law, and demands trial by jury of all issues so triable.

Respectfully Submitted _____, 2015

**JZ HELPS- AN INJURY LAW FIRM,
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