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IN THE CIRCUIT COURT OF THE  
15<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

MARIA NELSON,  
Plaintiff,  
vs.  
BOCA VERDE EAST CONDOMINIUM, INC.  
Defendant.

CASE NO.

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

COMES NOW, Plaintiff, MARIA NELSON, INC., by and through her undersigned attorneys and files her Complaint for Damages and Demand for Trial by Jury as against the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., and in support hereof, alleges as follows:

**GENERAL ALLEGATIONS**

1. This is an action for damages in excess of Thirty Thousand Dollars (\$30,000.00), exclusive of interest and costs.
2. At all times material hereto, the Plaintiff, MARIA NELSON, was and is a resident of Palm Beach County, State of Florida, and is sui juris.
3. That at all times material hereto, the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., was, and is, a Florida Not For Profit Corporation. who upon information and belief, is authorized to transact business in the State of Florida, and is sui juris.
4. That the incident giving rise to this cause of action accrued in Boca Raton, Palm Beach County, Florida, more specifically, at 400 NE 20<sup>th</sup> Street, Boca Raton, Florida on July 14, 2021.

5. That all conditions precedent to this action have been performed, have occurred or have been waived by the Defendant, BOCA VERDE EAST CONDOMINIUM, INC.

**FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

6. That at all times material hereto, the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., owned, operated, maintained, possessed and controlled a residential condominium complex known as Boca Verde East Condominiums at 400 NE 20<sup>th</sup> Street, Building "D", Boca Raton, Palm Beach, County, Florida (hereafter referred to as "the subject premises").

7. That at all times material hereto, the Plaintiff, MARIA NELSON, was a resident at the subject premises.

8. That at all times material hereto, there was an elevator located at the subject premises which was owned, operated, possessed and controlled by the Defendant, BOCA VERDE EAST CONDOMINIUM, INC. (hereafter referred to as the "subject elevator").

**COUNT I - NEGLIGENCE CLAIM**

Plaintiff adopts and incorporates by reference paragraphs 1 - 8 inclusive of this Complaint as though same were more fully set forth at length herein, and further alleges:

9. That on or about July 15, 2021, and at all times material hereto, Defendant, BOCA VERDE EAST CONDOMINIUM, INC., owned, controlled and/or maintained that property located at 400 NE 20<sup>th</sup> Street, Building "D", Boca Raton, Palm Beach, County, Florida used by its tenants, residents, invitees and their guests.

10. That the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., did at all times material hereto, invite its tenants, residents, invitees and their guests upon the aforesaid location, and in response to said invitation, on July 15, 2021, MARIA NELSON, did enter the elevator in Building "D" at the subject property, as a unit occupant/resident.

11. That on July 15, 2021, the Defendant, BOCA VERDE EAST CONDOMINIUM,,INC. INC., owed its tenants, residents, invitees and their guests the following duty of care:

- a). To properly maintain the entire subject property, including but not limited to, the area in and about the elevator located at 400 NE 20<sup>th</sup> Street, Building "D", Boca Raton, Palm Beach, County, Florida used by its tenants, residents, invitees and their guests;
- b). To provide a safe and secure environment and appropriate flooring and/or floor covering in and about the elevator located at 400 NE 20<sup>th</sup> Street, Building "D", Boca Raton, Palm Beach, County, Florida ;
- c). To exercise reasonable care to maintain the premises in a reasonably safe condition;
- d). To inspect and correct dangerous conditions that the Defendant knew of, or should have reasonably known of; and
- e) to comply with all applicable building codes and standards: and
- f). To give timely notice of the aforementioned dangerous conditions and/or of patent, latent or concealed dangerous conditions that the Defendant knew of, or should have reasonably known of.

12. That on July 15, 2021, the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., by and through authorized representatives or employees thereof did breach its duties to Plaintiff by:

- a). Failing to adequately and properly maintain the property in and about the elevator located at 400 NE 20<sup>th</sup> Street, Building "D", Boca Raton, Palm Beach, County, Florida by allowing a foreign liquid substance to remain in and about the floor of the elevator which created a dangerous

condition/hidden trap unfit for tenants, residents, invitees and guests which created a dangerous condition;

- b). Failing to provide a safe and secure environment by permitting a foreign liquid substance to accumulate in and about the floor of the elevator located at 400 NE 20<sup>th</sup> Street, Building "D", Boca Raton, Palm Beach, County, thus creating a dangerous condition.
- c). Failing to inspect, correct and/or repair dangerous conditions that it knew of, or should have reasonably known of;
- d). Failing to give timely notice of the aforementioned dangerous and/or of patent, latent or concealed dangerous conditions that the Defendant knew, or should have reasonably known of;
- e). Failing to comply with applicable building codes and standards, including but not limited to, American National Standards;
- f). Failing to take adequate safety measures and precautions to protect patrons such as the Plaintiff from the dangerous condition/concealed perils as set forth herein.

13. The Defendant, BOCA VERDE EAST CONDOMINIUM, INC., knew and/or in the alternative should have known of the aforesaid dangerous conditions at the subject property, for which they had a duty to their residents, invitees and guests to maintain, but failed to warn and/or notify Plaintiff, MARIA NELSON, of said dangerous conditions.

14. As a direct and proximate result of the negligence of the Defendant, BOCA VERDE EAST CONDOMINIUM, INC, the Plaintiff, MARIA NELSON, did slip and fall and was injured in and about her body and extremities, suffered pain therefore, physical and emotional handicaps; disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of

hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses and injuries are either permanent or continuing in nature and the Plaintiff, MARIA NELSON, will suffer losses and impairment in the future, and will in the future undergo painful and extensive medical care and treatment attendant to her injuries as aforesaid.

**WHEREFORE**, the Plaintiff, MARIA NELSON, demands judgment against the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., for all damages and costs, and demands trial by jury of all issues so triable as a matter of right.

**COUNT II - NEGLIGENCE PER SE CLAIM AGAINST DEFENDANT**

Plaintiff adopts and incorporates by reference paragraphs 1 - 8 inclusive of this Complaint as though same were more fully set forth at length herein, and further alleges:

15. That pursuant to Section 399.02, Florida Statutes, the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., owed a statutory duty of care to maintain the area in and around the subject elevator.

16. That on July 15, 2021, the Plaintiff, MARIA NELSON, was at the subject premises and attempting to get into the subject elevator when she slipped on a foreign liquid substance causing her to fall to the ground.

17. That Section 399.02, Florida Statutes was designed to protect persons in the Plaintiff, MARIA NELSON's position and/or to prevent the type of accident that occurred in Plaintiff's accident, and at all times material hereto, the Plaintiff was a member of the particular class of people that said statute was specifically designed to protect.

18. That the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., breached the statutory duty owed to the Plaintiff, MARIA NELSON, by its failure to adequately maintain, inspect and repair the area in and around the subject elevator by allowing a foreign liquid

substance to remain on the ground, and as a result, the Defendant is negligent as a matter of law pursuant to Section 399.02, Florida Statutes.

19. As a direct and proximate result of the negligence of the Defendant, BOCA VERDE EAST CONDOMINIUM, INC, the Plaintiff, MARIA NELSON, did slip and fall and was injured in and about her body and extremities, suffered pain therefore, physical and emotional handicaps; disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses and injuries are either permanent or continuing in nature and the Plaintiff, MARIA NELSON, will suffer losses and impairment in the future, and will in the future undergo painful and extensive medical care and treatment attendant to her injuries as aforesaid.

**WHEREFORE**, the Plaintiff, MARIA NELSON, demands judgment against the Defendant, BOCA VERDE EAST CONDOMINIUM, INC., for all damages and costs, and demands trial by jury of all issues so triable as a matter of right.

Dated: April 26, 2022.

**RETAMAR & MILLIAN, P.A.**  
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