

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

COLLEEN STOCKER,

CASE NO.:

Plaintiff,

vs.

THE BLUE DOG IN BOCA, INC.,
and SIMON PROPERTY GROUP, INC.,

Defendants.

COMPLAINT

COMES NOW, Plaintiff, COLLEEN STOCKER, by and through the undersigned counsel, and hereby sues the Defendant, THE BLUE DOG IN BOCA, INC., and SIMON PROPERTY GROUP, INC., (hereinafter collectively referred to as “Defendants”), and alleges:

1. This is an action for damages in excess of Fifty Thousand (\$50,000.00) Dollars, excluding costs, interest, and attorney’s fees. The amount Plaintiff has entered in the civil cover sheet for the “estimated amount of the claim” as required in the preamble to the civil cover sheet is for *jurisdictional purposes only* (the Florida Supreme Court has ordered that the estimated “amount of claim” be set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff’s claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

2. At all times material hereto, Plaintiff, COLLEEN STOCKER, was and is a natural person residing in Palm Beach County, Florida and was and is *sui juris*.

3. At all times material hereto, the Defendant, THE BLUE DOG IN BOCA, INC., was and is a Florida Profit Corporation and owned and maintained the property for the regular transaction of business in Palm Beach County, Florida.

4. At all times material hereto, the Defendant, SIMON PROPERTY GROUP, INC., was and is a Foreign Profit Corporation, who owned and/or maintained a property for the regular transaction of business in Palm Beach County, Florida

5. Venue is proper in this Court as the Defendants' conduct its business operations within Palm Beach County, Florida and the incident giving rise to this action occurred in Palm Beach County, Florida.

FACTS GIVING RISE TO CAUSE OF ACTION

6. At all times material hereto, and on December 30, 2024, Defendant, THE BLUE DOG IN BOCA, INC., owned, managed, controlled, constructed, designed, operated, maintained, and/or possessed the restaurant, included but not limited to, the outside dining area, located at 6000 Glades Rd Suite 1008C, Boca Raton, FL 33431, (hereinafter referred to as the "Premises"), which was open to the general public, including the Plaintiff herein.

7. At all times material hereto, Defendant, THE BLUE DOG IN BOCA, INC., had a duty to properly maintain, inspect and repair the aforementioned area located on the Premises

8. At all times material hereto, and on December 30, 2024, Defendant, SIMON PROPERTY GROUP, INC., owned, managed, controlled, constructed, designed, operated, maintained, and/or possessed the restaurant located at 6000 Glades Rd Suite 1008C, Boca Raton, FL 33431, (hereinafter referred to as the "Premises"), which was open to the general public, including the Plaintiff herein.

9. At all times material hereto, Defendant, SIMON PROPERTY GROUP, INC., had a duty to properly maintain, inspect and repair the aforementioned area located on the Premises

10. On or about December 30, 2024, Plaintiff was walking through the entrance at the outside dining area on the Premises, when she suddenly and unexpectedly fell due to the unlevel, raised, elevated, improperly constructed, and otherwise dangerous and defective condition that existed on the subject Premises.

11. At said time and place, Plaintiff was a business invitee, lawfully upon the Premises of the Defendants, who owed Plaintiff a non-delegable duty to exercise reasonable care for her safety.

12. At all times material hereto, the aforementioned outdoor dining room area entrance was not properly constructed or designed in that it was unlevel, raised, elevated, lacked the proper stair riser height, landing, paint stripes, dimensions, in addition to failing to have proper and adequate handrails, and was otherwise in a dangerous and defective condition.

13. That the aforesaid fall and the injuries resulting therefrom were due solely and wholly as a result of the negligent manner in that the Defendant, its agents, servants and/or employees owned, operated, designed, constructed, maintained, managed, controlled and repaired the aforesaid stairway and subject premises.

14. As a result of the fall, Plaintiff, COLLEEN STOCKER, sustained permanent and severe bodily injury.

**COUNT I – NEGLIGENCE AGAINST
THE BLUE DOG IN BOCA, INC.**

Plaintiff hereby incorporates and re-alleges the allegations contained in paragraphs 1 through 14 as though fully set forth herein and further states:

15. At all times material hereto, Defendant, THE BLUE DOG IN BOCA, INC., had a non-delegable duty to Plaintiff, COLLEEN STOCKER, as its invitee, to provide a reasonably safe environment, including, but not limited to, maintaining the Premises so that the entrances were properly constructed and not in a dangerous and defective condition.

16. At all times material hereto, Defendant had a duty to warn persons such as the Plaintiff of a dangerous condition about which Defendant had, or should have had, knowledge greater than that of the Plaintiff, and/or a duty to correct a dangerous condition about which Defendant either knew or should have known, by the use of reasonable care.

17. At all times material hereto, Defendant, THE BLUE DOG IN BOCA, INC., breached its duty to Plaintiff by committing one or more of the following acts or omissions:

- a) Negligently failing to maintain or adequately maintain the Premises, in failing to properly construct the subject outdoor dining room entrance, and thus creating a hazardous condition to invitees utilizing said area on the Premises, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b) Negligently creating and/or allowing a hazardous condition to exist on its Premises which was reasonably foreseeable to cause injury to Plaintiff;
- c) Negligently creating a hazardous and dangerous condition, to wit, by failing to install proper and adequate hand railings, thereby creating a dangerous condition for Plaintiff;
- d) Negligently creating a hazardous and dangerous condition, to wit, by failing to construct the outdoor dining room entrance in accordance with applicable building, local and/or governmental rules, standards and regulations, thereby creating a dangerous condition for Plaintiff;
- e) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing sections to be misaligned and elevated;
- f) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing sections of the walkway to have abrupt changes in elevation;

- g) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing the area to have an uneven, unlevel, raised, and broken surface;
- h) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing it to become raised and unlevel;
- i) Negligently causing, suffering and permitting the surfaces of the subject outdoor dining room entrance to be, become and remain in a dangerous, damaged and otherwise defective condition, and allowing and permitting the same to exist and remain for an unreasonable period of time prior to the incident complained of herein;
- j) Negligently constructing, installing, designing and allowing the subject outdoor dining room entrance at the Premises to be unreasonably safe for invitees, including the Plaintiff, to safely traverse;
- k) Negligently causing, suffering and permitting the outdoor dining room entrance to be, become and remain in a dangerous and defective condition;
- l) Negligently failing to comply with all applicable building and/or governmental rules regulations and ordinances;
- m) Negligently failing to install, maintain and provide a safe outdoor dining room entrance at the aforementioned Premises;
- n) Negligently failing to inspect or adequately inspect the Premises to ascertain whether the aforesaid conditions constituted a hazard to Plaintiff;
- o) Negligently failing to properly construct, design, maintain or adequately maintain the outdoor dining room entrance at the Premises to prevent Plaintiff from encountering a hazardous condition;
- p) Negligently failing to correct or adequately correct a dangerous and hazardous condition which was and/or should have been known to the Defendant;
- q) Negligently failing to correct or adequately correct the aforesaid unreasonably dangerous condition of the subject outdoor dining room entrance when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- r) Negligently failing to inspect or adequately warn the Plaintiff of the danger associated with the unreasonably dangerous condition of the outdoor dining room entrance of the Premises, when Defendant knew or through the exercise of reasonable care should

have known that said stairway was unreasonably dangerous and that Plaintiff was unaware of same;

- s) Negligently failing to barricade, restrict, or otherwise prevent persons such as Plaintiff from encountering the hazardous condition on the Premises;
- t) Negligently failing to install, maintain and provide a safe entrance at the aforementioned Premises;
- u) Negligently failing to correct or adequately correct a dangerous and hazardous condition which was and/or should have been known to the Defendant;
- v) Negligently creating a hazardous and dangerous condition, to wit, by failing to paint yellow stripes on the subject entrance area, thereby creating a dangerous condition for Plaintiff;
- w) Negligently creating a hazardous and dangerous condition, to wit, by failing to ensure that the entrance height was uniform and properly constructed, thereby creating a dangerous condition for Plaintiff;
- x) Negligently failing to warn of one or more of the above-referenced dangerous conditions that existed at the time of the Plaintiff's incident about which Defendant had, or should have had knowledge greater than that of Plaintiff; and/or
- y) Was otherwise negligent in the ownership, construction, design, care, maintenance and/or repair of the subject stairway, so as to cause the Plaintiff's injuries.

18. That the Defendant, its agents, servants and/or employees was negligent in that it violated its duty to persons on the aforesaid Premises and to this Plaintiff in particular, in knowingly permitting, suffering and allowing the aforesaid Premises to be, become and remain in a defective, unsafe and dangerous condition, and was further negligent in failing to take suitable precautions for the safety of persons lawfully on the aforesaid Premises.

19. That Defendant knew or in the exercise of reasonable care should have known of the existence of the dangerous condition on the Premises and should have taken action to remedy same; that said dangerous condition had existed for a sufficient length of time that, in the

exercise of reasonable care, the Defendant knew or should have known of the condition and should have taken action to remedy same.

20. As a direct and proximate result of the Defendant, THE BLUE DOG IN BOCA, INC.'s, negligence as alleged above, Plaintiff, COLLEEN STOCKER, fell and suffered permanent bodily injuries in and about her body and extremities, including but not limited to pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings in the past, and loss of ability to earn money in the future, and aggravation of a previously existing condition. These losses are either permanent and continuing and Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, COLLEEN STOCKER, sues the Defendant, THE BLUE DOG IN BOCA, INC., for damages and demands judgment in excess of Fifty Thousand Dollars (\$50,000.00), plus interest and costs, and for any other relief this Court deems just and proper.

**COUNT II - NEGLIGENCE AGAINST
SIMON PROPERTY GROUP, INC.**

Plaintiff hereby incorporates and re-alleges the allegations contained in paragraphs 1 through 14 as though fully set forth herein and further states:

21. At all times material hereto, Defendant, SIMON PROPERTY GROUP, INC., had a non-delegable duty to Plaintiff, COLLEEN STOCKER, as its invitee, to provide a reasonably safe environment, including, but not limited to, maintaining the Premises so that the entrances were properly constructed and not in a dangerous and defective condition.

22. At all times material hereto, Defendant had a duty to warn persons such as the Plaintiff of a dangerous condition about which Defendant had, or should have had, knowledge

greater than that of the Plaintiff, and/or a duty to correct a dangerous condition about which Defendant either knew or should have known, by the use of reasonable care.

23. At all times material hereto, Defendant, SIMON PROPERTY GROUP, INC., breached its duty to Plaintiff by committing one or more of the following acts or omissions:

- a) Negligently failing to maintain or adequately maintain the Premises, in failing to properly construct the subject outdoor dining room entrance, and thus creating a hazardous condition to invitees utilizing said area on the Premises, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b) Negligently creating and/or allowing a hazardous condition to exist on its Premises which was reasonably foreseeable to cause injury to Plaintiff;
- c) Negligently creating a hazardous and dangerous condition, to wit, by failing to install proper and adequate hand railings, thereby creating a dangerous condition for Plaintiff;
- d) Negligently creating a hazardous and dangerous condition, to wit, by failing to construct the outdoor dining room entrance in accordance with applicable building, local and/or governmental rules, standards and regulations, thereby creating a dangerous condition for Plaintiff;
- e) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing sections to be misaligned and elevated;
- f) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing sections of the walkway to have abrupt changes in elevation;
- g) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing the area to have an uneven, unlevel, raised, and broken surface;
- h) Negligently failing to maintain or adequately maintain the area in a reasonably safe condition, to wit, by allowing it to become raised and unlevel;
- i) Negligently causing, suffering and permitting the surfaces of the subject outdoor dining room entrance to be, become and remain in a dangerous, damaged and otherwise defective condition, and allowing and permitting the same to exist and remain for an unreasonable period of time prior to the incident complained of herein;

- j) Negligently constructing, installing, designing and allowing the subject outdoor dining room entrance at the Premises to be unreasonably safe for invitees, including the Plaintiff, to safely traverse;
- k) Negligently causing, suffering and permitting the outdoor dining room entrance to be, become and remain in a dangerous and defective condition;
- l) Negligently failing to comply with all applicable building and/or governmental rules regulations and ordinances;
- m) Negligently failing to install, maintain and provide a safe outdoor dining room entrance at the aforementioned Premises;
- n) Negligently failing to inspect or adequately inspect the Premises to ascertain whether the aforesaid conditions constituted a hazard to Plaintiff;
- o) Negligently failing to properly construct, design, maintain or adequately maintain the outdoor dining room entrance at the Premises to prevent Plaintiff from encountering a hazardous condition;
- p) Negligently failing to correct or adequately correct a dangerous and hazardous condition which was and/or should have been known to the Defendant;
- q) Negligently failing to correct or adequately correct the aforesaid unreasonably dangerous condition of the subject outdoor dining room entrance when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- r) Negligently failing to inspect or adequately warn the Plaintiff of the danger associated with the unreasonably dangerous condition of the outdoor dining room entrance of the Premises, when Defendant knew or through the exercise of reasonable care should have known that said stairway was unreasonably dangerous and that Plaintiff was unaware of same;
- s) Negligently failing to barricade, restrict, or otherwise prevent persons such as Plaintiff from encountering the hazardous condition on the Premises;
- t) Negligently failing to install, maintain and provide a safe entrance at the aforementioned Premises;
- u) Negligently failing to correct or adequately correct a dangerous and hazardous condition which was and/or should have been known to the Defendant;

- v) Negligently creating a hazardous and dangerous condition, to wit, by failing to paint yellow stripes on the subject entrance area, thereby creating a dangerous condition for Plaintiff;
- w) Negligently creating a hazardous and dangerous condition, to wit, by failing to ensure that the entrance height was uniform and properly constructed, thereby creating a dangerous condition for Plaintiff;
- x) Negligently failing to warn of one or more of the above-referenced dangerous conditions that existed at the time of the Plaintiff's incident about which Defendant had, or should have had knowledge greater than that of Plaintiff; and/or
- y) Was otherwise negligent in the ownership, construction, design, care, maintenance and/or repair of the subject stairway, so as to cause the Plaintiff's injuries.

24. That the Defendant, its agents, servants and/or employees was negligent in that it violated its duty to persons on the aforesaid Premises and to this Plaintiff in particular, in knowingly permitting, suffering and allowing the aforesaid Premises to be, become and remain in a defective, unsafe and dangerous condition, and was further negligent in failing to take suitable precautions for the safety of persons lawfully on the aforesaid Premises.

25. That Defendant knew or in the exercise of reasonable care should have known of the existence of the dangerous condition on the Premises and should have taken action to remedy same; that said dangerous condition had existed for a sufficient length of time that, in the exercise of reasonable care, the Defendant knew or should have known of the condition and should have taken action to remedy same.

26. As a direct and proximate result of the Defendant, SIMON PROPERTY GROUP, INC's, negligence as alleged above, Plaintiff, COLLEEN STOCKER, fell and suffered permanent bodily injuries in and about her body and extremities, including but not limited to pain and suffering of both a physical and mental nature, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense

of hospitalization, medical and nursing care and treatment, loss of earnings in the past, and loss of ability to earn money in the future, and aggravation of a previously existing condition. These losses are either permanent and continuing and Plaintiff will suffer these losses in the future.

WHEREFORE, Plaintiff, COLLEEN STOCKER, sues the Defendant, SIMON PROPERTY GROUP, INC., for damages and demands judgment in excess of Fifty Thousand Dollars (\$50,000.00), plus interest and costs, and for any other relief this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, COLLEEN STOCKER, demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 21st day of November, 2025.

/s/ Noah Pollock, Esquire

Noah Pollock, Esquire

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