

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

BENJAMIN SENS,

CASE NO.:

Plaintiff,

vs.

SOUTHERN GARDENERS INC.,

Defendant.

COMPLAINT

Plaintiff, BENJAMIN SENS, by and through the undersigned counsel hereby files this Complaint against the Defendant, SOUTHERN GARDENERS INC., and as grounds therefore states as follows:

GENERAL ALLEGATIONS

1. This is an action at law in which the Plaintiff seeks damages in excess of Fifty Thousand Dollars (\$50,000.00) exclusive of attorneys' fees and costs.
2. At all times material, Plaintiff, BENJAMIN SENS, is and was a resident of Palm Beach County, Florida.
3. At all times material, Defendant, SOUTHERN GARDENERS INC. (hereinafter "SOUTHERN"), is and was a Florida Profit Corporation authorized to do and doing business in Palm Beach County, Florida.
4. Venue is proper in Palm Beach County, Florida because the acts and omissions referenced herein occurred, and the cause of action accrued, in Palm Beach County, Florida.
5. All conditions precedent to the initiation of this cause of action have occurred or have been performed, excused, discharged, satisfied or waived.

FACTS COMMON TO ALL COUNTS

6. On May 20th, 2024, Plaintiff, BENJAMIN SENS, was the restrained passenger of his motor vehicle and was lawfully traveling eastbound behind another vehicle in the left lane of Glades Road in Palm Beach County, Florida.
7. At that same time and place, Defendant, SOUTHERN, parked its commercial landscaping truck (hereinafter “subject truck”) partially upon the median adjacent to the left lane and partially upon the left lane of Glades Road in Palm Beach County, Florida in order to do landscaping work to the adjacent median.
8. At all times material, Defendant, SOUTHERN, did not have any Department of Transportation (“DOT”) permits or Maintenance of Traffic (“MOT”) allowing for any closure of the subject lane.
9. At all times material, Defendant, SOUTHERN, did not have any arrow boards indicating to drivers, such as the Plaintiff, BENJAMIN SENS, that the subject lane was closed.
10. At all times material, Defendant, SOUTHERN, failed to place DOT certified orange cones indicating lane closure.
11. At all times material, Defendant, SOUTHERN, failed to place any traffic control devices indicating to other drivers that the subject lane was closed.
12. As the Plaintiff, BENJAMIN SENS, continued to travel eastbound on Glades Road, the vehicle ahead of him merged from the left the lane into right lane.
13. As the vehicle merged into the right lane, Plaintiff, BENJAMIN SENS, suddenly noticed Defendant, SOUTHERN’s, subject truck parked in the left lane, and as such, took swift action in an effort to avoid a collision.
14. Despite the immediate action by the Plaintiff, BENJAMIN SENS, the Plaintiff, BENJAMIN SENS, had little to no time to react, and as such, made a direct head on collision to the rear end of the Defendant, SOUTHERN’s, subject truck.

COUNT I NEGLIGENCE
BENJAMIN SENS AGAINST SOUTHERN GARDENERS INC.

15. Plaintiff, BENJAMIN SENS, readopts and re-alleges each and every allegation set forth in paragraphs 1 through 14 as if fully set forth herein again at length.
16. Plaintiff, BENJAMIN SENS, sustained severe and permanent bodily injury as a result of the subject vehicular collision.
17. At all material times, Defendant, SOUTHERN, committed one or more of the following negligent acts and/or omissions:
 - a. Carelessly and negligently parking its motor vehicle in a public roadway, thereby obstructing the free, convenient, and normal use of the roadway in violation of Florida Statute Section 316.2045, and thereby rendering the roadway dangerous to motorists, including the Plaintiff, BENJAMIN SENS;
 - b. Improperly closing a lane of traffic, thereby rendering the roadway dangerous to motorists, including the Plaintiff, BENJAMIN SENS;
 - c. Failing to place DOT arrow boards to indicate lane closure, thereby failing to warn the public generally, and the Plaintiff, BENJAMIN SENS, of a dangerous condition in the subject roadway;
 - d. Failing to place DOT orange cones for lane closure, thereby failing to warn the public generally, and the Plaintiff, BENJAMIN SENS, of a dangerous condition in the subject roadway;
 - e. Failing to place any DOT lane closure devices, thereby failing to warn the public generally, and the Plaintiff, BENJAMIN SENS, of a dangerous condition in the subject roadway;
 - f. Failing to have adequate safety equipment in place to indicate lane closure, thereby failing to warn the public generally, and the Plaintiff, BENJAMIN SENS, of a dangerous condition in the subject roadway; and
 - g. Other acts of negligence, to be discovered.

18. Solely, and as a direct and proximate result of one or more of the above negligent acts and/or omissions of Defendant, SOUTHERN, Plaintiff, BENJAMIN SENS, sustained severe and permanent physical injuries which caused permanent impairment, disability and disfigurement; incurred substantial medical costs which are continuing and which will continue in the future; sustained and will continue to sustain great pain, suffering and mental and emotional anguish; has suffered a loss in the capacity of enjoyment of life and a loss of earnings and income; may have aggravated a preexisting condition or conditions; has lost the value of his motor vehicle; and has sustained other compassable damages for which relief is sought.

WHEREFORE, Plaintiff, BENJAMIN SENS, demands damages from Defendant, SOUTHERN, in an amount in excess of the jurisdictional requirements of this Court, together with costs and prejudgment interest for costs already paid by Plaintiff, and such other and further relief as this honorable Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable.

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