

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

MELINDA POTTS, as Personal Representative
of the Estate of B.L., a minor,

CASE NO.:

Plaintiffs,

vs.

SUPERHERO KIDS PPEC, LLC,

Defendant.

COMPLAINT

Plaintiff, MELINDA POTTS, as the Personal Representative of the Estate of B.L., a minor, by and through undersigned counsel, hereby sues the Defendant, SUPERHERO KIDS PPEC, LLC, and alleges as follows:

JURISDICTION, PARTIES & VENUE

1. This is an action for damages in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of costs, interest and attorneys' fees.
2. This is a wrongful death action arising out of an incident whereby B.L., a minor (the "Decedent"), died due to the negligent care, supervision, and acts and/or omissions of the staff and employees of SUPERHERO KIDS PPEC, LLC ("SUPERHERO KIDS").
3. The Decedent was X years old at the time of her death, leaving her natural mother, MELINDA POTTS, and her natural father, MARC LUZINCOURT, as her sole statutory survivors. There are no other statutory survivors.
4. Plaintiff, MELINDA POTTS ("Plaintiff"), is the duly appointed, qualified, and acting Personal Representative of B.L.'s Estate and is the proper party to bring this action on behalf of the Decedent's Estate, survivors and potential beneficiaries. Letters of Administration were filed in the Palm Beach County Probate Court.

5. At all times material hereto and at the time of B.L.'s death, Plaintiff, MELINDA POTTS was a resident of Palm Beach County, Florida.

6. At all times material hereto, Defendant, SUPERHERO KIDS, was and is a Florida Limited Liability Company which owned and operated a daycare facility specifically for children with medically complex conditions located at 1700 Woolbright Rd, Suite 3, Boynton Beach, FL 33426, and doing business in Palm Beach County, Florida (the "Subject Premises").

7. Jurisdiction and venue are proper in this Court as the subject incident giving rise to this Complaint occurred in Palm Beach County, Florida.

GENERAL ALLEGATIONS

8. On July 1, 2024, and at all times material hereto, Decedent was a lawful invitee of the Subject Premises.

9. On July 1, 2024, and at all times material hereto, Defendant, SUPERHERO KIDS, owned, operated, managed, licensed and/or maintained the Subject Premises.

10. At all times material hereto, Defendant, SUPERHERO KIDS, was licensed by the State of Florida Agency for Health Care Administration to operate a Prescribed Pediatric Extended Care for Children in Palm Beach County, subject to the provisions of Chapter 400, Part V1, Florida Statutes and Chapter 59A-13 of the Florida Administrative Code.

11. At all times material hereto, Defendant, SUPERHERO KIDS, was not a healthcare facility as defined by Florida Statute §766.202.

12. At all times material hereto, Defendant SUPERHERO KIDS and its staff knew or should have known that the Decedent, a minor child, required continuous and uninterrupted supervision and monitoring while at the Subject Premises.

13. At all times material hereto, the SUPERHERO KIDS staff were employees, agents and apparent agents of Defendant, SUPERHERO KIDS, and were acting within the course and scope of their employment. SUPERHERO KIDS is, therefore, vicariously liable for the acts and negligence of those employees, agents and apparent agents.

14. On the morning of July 1, 2024, a bus owned and operated by SUPERHERO KIDS picked up 22 month old, B.L., at the Plaintiff's residence at approximately 8:30 a.m. and brought her to the SUPERHERO KIDS facility.

15. B.L. was born premature, and with a hole in her heart, requiring, requiring required a tracheostomy with supplemental oxygen.

16. On or about July 1, 2024, SUPERHERO KIDS failed to properly supervise and monitor B.L., for an extended period of time and failed to call for medical attention when it was clear that her condition was deteriorating.

17. Not only did SUPERHERO KIDS fail to call for medical attention or, but they also failed to contact B.L.'s parents or emergency services.

18. By the time SUPERHERO KIDS brought B.L. back home at the end of the day, she had been without sufficient oxygen for a prolonged period of time.

19. On July 1, 2024, as a result of the acts and omissions of SUPERHERO KIDS and its staff, B.L. died.

COUNT I
NEGLIGENCE CLAIM AGAINST SUPERHERO KIDS

Plaintiff hereby, adopts and realleges all of the allegations contained within Paragraphs 1 through 19 above as if fully set forth herein and further alleges:

20. At all times material hereto, Defendant, SUPERHERO KIDS, as the owner and/or operator and/or licensee, and/or maintaining entity of the Subject Premises, had a duty to keep the Decedent safe from harm and to operate the facility in a reasonable and prudent manner.

21. At all times material hereto, Defendant, SUPERHERO KIDS, owed the Decedent a duty to exercise reasonable care for her health and safety under the circumstances of her physical and mental conditions during this time at the Subject Premises.

22. The Defendant, SUPERHERO KIDS, owed the Decedent a duty to provide her with appropriate supervision, which included, but was not limited to, the duty to comply with applicable

regulations, including Chapter 400, Part VI, Florida Statutes and Chapter 59A-13 of the Florida Administrative Code.

23. The Defendant, SUPERHERO KIDS, was negligent and breached its duties of care owed to the Decedent, in at least the following ways:

- a. Failure of management and staff to establish, follow and implement a proper plan of supervision for the Decedent.;
- b. Failure to properly monitor and respond to the medical needs of the Decedent.;
- c. Failure to adequately train, supervise and monitor its staff responsible to supervise and monitor the Decedent.;
- d. Failing to follow its own policies and procedures;
- e. Failing to properly care for the Decedent, a minor child;
- f. Failing to implement necessary safety precautions for the Decedent, a minor child, in order to prevent her from injury or exacerbation of physical conditions;
- g. Failing to recognize that the Decedent was in medical distress;
- h. Failing to respond to the Decedent's medical distress;
- i. Other acts of negligence which may be revealed during discovery.

24. As a direct and proximate result of Defendant, SUPERHERO KIDS' actions, inactions, omissions, negligent and tortious conduct, the Decedent, suffered great bodily injury on July 1, 2024 date which caused her death.

25. As a further direct and proximate result of Defendant, SUPERHERO KIDS negligence, the Estate of B.L., and the Decedent's statutory survivors have suffered and will continue to suffer damages into the future. As a result, the Plaintiff, MELINDA POTTS, as Personal Representative of the Estate of B.L., seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. §768.16 et seq.

WHEREFORE, Plaintiff, MELINDA POTTS as Personal Representative of the Estate of B.L., sues Defendant, SUPERHERO KIDS, and demands judgment for damages exclusive of attorney's fees, costs, and interest in an amount in excess of the jurisdictional limits of this Court, and for such further relief as this Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

DATED this 3rd day of February, 2026.

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