

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

CASE NO:

CLAIRE BLACK

Plaintiff,

vs.

TOWN OF LANTANA and
PALM BEACH COUNTY,

Defendants.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, CLAIRE BLACK by and through undersigned counsel and hereby files this Complaint for Damages and Demand for Jury Trial against Defendants TOWN OF LANTANA and PALM BEACH COUNTY and states as follows:

1. This is an action for damages in excess of FIFTY THOUSAND DOLLARS (\$50,000), exclusive of interest, costs and fees.
2. At all times material herein, Plaintiff, CLAIRE BLACK was and is a resident of Palm Beach County, Florida and otherwise *sui juris*.
3. At all times material herein, Defendants, TOWN OF LANTANA and PALM BEACH COUNTY, are government entities for the State of Florida and govern in Palm Beach County, Florida.
4. Plaintiff provided Defendant, TOWN OF LANTANA, and the Florida Department of Financial Services with pre-suit notification in compliance with Florida Statute 768.28(6). The

notice was sent to Town of Lantana via Certified Mail, Return Receipt Requested on July 18, 2023. A copy of this notice letter and return receipt are attached hereto as Exhibit "A".

5. Plaintiff also provided Defendant, Palm Beach County, and the Florida Department of Financial Services with pre-suit notification in compliance with Florida Statute 768.28(6). The notice was sent, via Certified Mail, Return Receipt Requested on July 18, 2023. A copy of this notice letter and return receipt are attached hereto as Exhibit "B".

COUNT I

Plaintiff, CLAIRE BLACK herewith restates and realleges each allegation in the precedent paragraphs and incorporates them by reference herein and further says:

6. On or about August 6, 2022, Plaintiff, CLAIRE BLACK, was walking on the public sidewalk/walkway on East Ocean Avenue, heading towards the Old Key Lime House, a restaurant in Lantana in Palm Beach County, Florida.

7. At said time and place, Plaintiff, CLAIRE BLACK, while walking along the designated sidewalk/walkway and exercising due care and caution for herself, was injured by a defective, dangerous, and/or hidden condition, to wit: a dangerous, uneven elevation on the sidewalk/walkway which caused her to trip and fall while walking along the sidewalk/walkway.

8. At all times material, Defendants, TOWN OF LANTANA and PALM BEACH COUNTY, were jointly responsible for the ownership, maintenance and safety as it relates to the area of the sidewalk/walkway at issue.

9. "Public possessors of land owe a greater duty of care to invitees than private occupiers." *Cusick v. City of Neptune Beach*, 765 So.2d 175 (Fla. Dist. Ct. App. 1st Dist. July 6, 2000.)

10. Defendants, TOWN OF LANTANA and PALM BEACH COUNTY each had a non-delegable duty to maintain its roads, sidewalks, and rights-of-way in a reasonably safe condition.

Jauma v. City of Hialeah, 758 So. 2d 696, 698 (Fla. Dist. Ct. App. 3d Dist. Jan. 19, 2000).

11. The sidewalk/walkway at issue was designed and created for the ordinary use by pedestrians.

12. Plaintiff, CLAIRE BLACK, was an invitee entitled to make use of the public sidewalk/walkway at issue.

13. At all times material hereto, Defendants, TOWN OF LANTANA and PALM BEACH COUNTY owed a duty to pedestrians to exercise every reasonable care in an effort to maintain the premises/sidewalk in a safe condition or to correct or warn a user of a dangerous condition of which Defendants, TOWN OF LANTANA and PALM BEACH COUNTY, knew or reasonably should have known had they exercised reasonable care.

14. Defendants, TOWN OF LANTANA and PALM BEACH COUNTY negligence also includes, but is not limited to the following:

- a. Failure to exercise ordinary and reasonable care to maintain the sidewalk/ walkway in a reasonably safe condition for all ordinary, customary, and reasonable uses for the safety of users of the sidewalk/ walkway;
- b. Failure to design, construct and maintain the sidewalk in a condition favorable for pedestrians.
- c. Failure to reconstruct, repair or modify the existing sidewalk to reduce the hazard to the sidewalk/ walkway users;
- d. Failing to comply with the continuous duty to look after the safety of the public where the public is invited and lawfully upon and using the sidewalk;
- e. Negligently allowing a dangerous condition to develop and a failure to take proper measures to supervise and inspect areas that may present a dangerous condition;
- f. Failure to properly warn or take measures to avoid or warn those lawfully upon the premises/sidewalk of a potentially dangerous condition;

- g. Negligently allowing a dangerous condition to develop, failing to properly conduct timely, appropriate inspections of the sidewalk/walkway and the failure to take proper measures to correct the dangerous condition.
- h. Failure to properly warn or take measures to avoid or warn those lawfully upon the premises or using the designated sidewalk/ walkway of a dangerous condition when such condition was either known to Defendants or had existed for such a sufficient length of time such that Defendants should have known of the condition if they had exercised reasonable care.

15. As such, Defendants, TOWN OF LANTANA and PALM BEACH COUNTY had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it.

16. At all times material herein, Defendants, TOWN OF LANTANA and PALM BEACH COUNTY, by and through its agents, servants, employees or contractors, knew or with the exercise of reasonable care should have known there was a high likelihood a person would be injured if the condition of the sidewalk/ walkway was not corrected.

17. As a direct and proximate result of the negligence of Defendant, TOWN OF LANTANA and PALM BEACH COUNTY, herein, Plaintiff, CLAIRE BLACK, tripped and fell and was seriously injured in and about the head, neck, back, body, limbs, and, knees and was thereby rendered sick, sore, lame, and otherwise disabled, or suffered an aggravation of a preexisting condition, activated a latent condition and has in the past, and will in the future, suffer great pain and anguish of body and mind, disability, disfigurement and the loss of ability to enjoy life. These injuries are permanent in nature.

18. As a further direct and proximate result of the negligence of Defendant, TOWN OF LANTANA and PALM BEACH COUNTY, herein, Plaintiff, CLAIRE BLACK, has in the past undergone, and will in the future undergo, painful and extensive medical care and treatment, and has in the past incurred, and will in the future incur medical bills and expenses attendant to the injuries,

including the expense of hospitalization, surgery, medical care and treatment, nursing care and treatment, rehabilitative care and treatment, radiological studies, and other treatments.

19. All conditions precedent have been met.

WHEREFORE, Plaintiff, CLAIRE BLACK demands judgment against Defendant, TOWN OF LANTANA and PALM BEACH COUNTY for damages in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

DEMAND FOR JURY TRIAL

Plaintiff in the above styled cause hereby demands a trial by jury of all issues triable by right. This is an action in excess of Fifty Thousand dollars (\$50,000.00) and plaintiff hereby demands a trial by jury. Accordingly, although, to file this complaint, undersigned counsel is being required by order of the Supreme Court of Florida to contemporaneously complete a civil cover sheet with a dollar figure as an estimated amount of claim for data collection and clerical processing purposes only, the full monetary value of the damages suffered by plaintiff is yet to be determined and will be decided in a verdict by the jury that judges the facts of this action in compliance with Article 1, Section 22, Florida Constitution.

The emails below are designated for e-service pursuant to Florida Rule of Judicial Administration 2.516 (b)(1)(A).

Dated this 26th day of February, 2026

LAW OFFICE OF VALERIE A. CONZO, P.A.
Attorney for Plaintiff
500 East Broward Blvd., Suite 1580
Fort Lauderdale, Florida 33394
Telephone: 954-372-8255

By: /s/Valerie Conzo
Valerie A. Conzo, Esq.
Florida Bar No.: 938378
valerie@conzolaw.com
pleadings@conzolaw.com

NOT A CERTIFIED COPY

EXHIBIT A

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LAW OFFICE OF VALERIE A. CONZO, P.A.

101 NORTHEAST THIRD AVENUE, SUITE 1250
FORT LAUDERDALE, FLORIDA 33301

TELEPHONE: 954-372-8255

FACSIMILE 954-713-0702

valerie@conzolaw.com

Valerie A. Conzo, Esq.
Attorney at Law

July 12, 2023

VIA Email and Certified U.S. Mail #7019 2970 0001 1307 0069

Attention: Karen Lythgoe, Mayor
Town of Lantana
500 Greynolds Circle
Lantana, FL 33401
klythgoe@lantana.org

NOTICE OF CLAIM

Claimant:	Claire Black
Date of Birth:	[REDACTED]
Place of Birth:	[REDACTED]
Social Security Number:	[REDACTED]
Date of Injury:	August 6, 2022
Place of Injury:	East Ocean Avenue, Lantana, Palm Beach County

Mayor Lythgoe

You are herewith advised that we have been retained to represent Ms. Claire Black, who was involved in a trip and fall accident on or about August 6, 2022 between approximately 4:00 p.m.- 4:15 p.m. on East Ocean Avenue near the intersection of S. Lake Drive, in Lantana, Palm Beach County, Florida. As a result of the negligence of the Town of Lantana's failure to properly maintain the sidewalk or walkway and through no fault of her own, Claire Black tripped and fell over uneven raised cobblestone or pavement and suffered serious personal bodily injuries.

The Town of Lantana had a duty to use reasonable care in maintaining the sidewalk in a reasonably safe condition and a duty to warn pedestrians, such as Ms. Black, of the dangers which Palm Beach County, knew or should have known of. Additionally, the Town of Lantana

failed to correct the dangerous condition on East Ocean Avenue in Lantana and allowed it to exist without properly warning of the dangerous condition

Ms. Black's injuries include: a displaced fracture of the middle phalanx of the right middle finger; a nondisplaced fracture of the proximal phalanx of the right middle finger; a displaced fracture, volar plate evulsion of the proximal phalanx of the right ring finger; knee sprain; bruising; swelling; and stiffness. Ms. Black underwent an extensive course of physical therapy and she has and continues experience a great deal of pain and suffering. She suffered permanent physical injuries and damages as a result. Additionally, Ms. Black has incurred extensive medical bills in the past and will incur an undetermined amount of medical bills in the future as a result of the injuries she sustained. **Therefore, Ms. Black demands compensation for her economic and noneconomic damages.**

There is no prior adjudicated unpaid claim in excess of \$ 200.00 owed by the claimant to the state, its agency, office or subdivision.

Thank you for your assistance.

Please direct all further correspondence regarding this matter to the undersigned.

Very truly yours,

Law Office of Valerie A. Conzo, P.A.

Valerie Conzo

Cc: Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0338
Facsimile 850-413-2730

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>																
<p>1. Article Addressed to:</p> <p>KAREN Lythgoe, Mayor Town of Lantana 500 GREYRIDS Circle Lantana, FL 33401</p>  <p>9590 9402 6266 0274 4607 64</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7019 2970 0001 1307 00</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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PS Form 3811, July 2020 PSN 7530-02-000-9053	Domestic Return Receipt																

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$4.35	0251 01
Extra Services & Fees (check box, add fee as appropriate)	\$2.55	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$0.56	07/18/2023

Sent To
Karen Lythgoe, Mayor
Street and Apt. No., or PO Box No.
500 Greyrids Circle
City, State, ZIP+4®
Lantana, FL 33401

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

NOT A

7019 2970 0001 1307 0069

EXHIBIT B

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LAW OFFICE OF VALERIE A. CONZO, P.A.

101 NORTHEAST THIRD AVENUE, SUITE 1250

FORT LAUDERDALE, FLORIDA 33301

TELEPHONE: 954-372-8255

FACSIMILE 954-713-0702

valerie@conzolaw.com

Valerie A. Conzo, Esq.

Attorney at Law

July 12, 2023

VIA Email and Certified U.S. Mail #7019 2970 0001 1307 0052

Attention: Gregg Weiss, Mayor

Palm Beach County Board of County Commissioners

301 North Olive Avenue

West Palm Beach, FL 33401

gweiss@pbcgov.org

NOTICE OF CLAIM

Claimant:

Claire Black

Date of Birth:

[REDACTED]

Place of Birth:

[REDACTED]

Social Security Number:

[REDACTED]

Date of Injury:

August 6, 2022

Place of Injury:

East Ocean Avenue, Lantana, Palm Beach County

Mayor Weiss:

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negligently failed to correct the dangerous condition on East Ocean Avenue in Lantana and allowed it to exist without properly warning of the dangerous condition

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Very truly yours,

Law Office of Valerie A. Conzo, P.A.

Valerie Conzo

Cc: Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0338
Facsimile 850-416-2730

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X TELLO <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery 07/20/23</p>
<p>1. Article Addressed to:</p> <p>Gregg Weiss, Mayor P.B. County Bd. of Cty. Commissioners 301 North Olive Avenue West Palm Bch, FL 33401</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p>
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West Palm Beach, FL 33401															
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