

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

DONNA DEVORE and  
NATHAN DEVORE, her husband,

Plaintiff,

v.

BROKEN SOUND CLUB, INC.,  
a Florida not for profit corporation,

Defendant.  
\_\_\_\_\_ /

GENERAL JURISDICTION DIVISION

CASE NO.:

**COMPLAINT**

**COME NOW**, the Plaintiffs, **DONNA DEVORE** and **NATHAN DEVORE**, her husband, by and through the undersigned counsel, and hereby sues the Defendant, **BROKEN SOUND CLUB, INC.**, a Florida not for profit corporation, and hereby alleges as follows:

**GENERAL ALLEGATIONS**

1. This is an action for damages in excess of Fifty Thousand Dollars (\$50,000.00) excluding interest and costs.
2. At all times material to this action, Plaintiff, DONNA DEVORE was and is a natural person residing in Palm Beach County, Florida.
3. At all times material to this action, Plaintiff, NATHAN DEVORE was and is a natural person residing in Palm Beach County, Florida.
4. At all times material to this action, Defendant, BROKEN SOUND CLUB, INC., was and is a Florida not for profit corporation licensed and allowed to do business in Palm Beach County, Florida.
5. Venue is proper in Palm Beach County, Florida because the subject trip and fall incident from which this cause of action arises occurred in Palm Beach County, Florida.

**COUNT I - NEGLIGENCE AGAINST BROKEN SOUND CLUB, INC.**

The Plaintiff, DONNA DEVORE reallege and incorporate by reference the allegations in paragraphs 1 - 5 above as though fully set forth herein.

6. At all times material hereto, the Defendant owned, managed, controlled, operated, maintained, and/or possessed the property located at 2401 Willow Springs Drive, Boca Raton, FL 33496 (hereinafter "Premises"), which was open to the public including the Plaintiff, DONNA DEVORE herein.

7. On or about March 12, 2024, Plaintiff, DONNA DEVORE was lawfully on the Premises when she tripped and fell on the negligently placed, designed and/or installed area rug in the lobby of the Premises' main area.

8. Specifically, the Defendant's newly installed rugs were not recessed down and flush with the floor. Rather, the rugs created an elevation change which created a dangerous condition and made it foreseeable that someone such as Donna Devore would trip and fall over the elevated rug.

9. At all times material hereto the Defendant, owed the Plaintiff, a non-delegable duty to maintain the premises in a reasonably safe condition and to warn invitees such as the Plaintiff of any dangerous condition therein.

10. The Defendant knew or should have known of such dangerous condition by use of reasonable care and reasonable inspection as this dangerous condition was created by the Defendant.

11. At said time and place, the Defendant by and through its agents, servants or employees, breached its duty owed to the Plaintiff in one or more of the following ways:

- a. By negligently failing to maintain or adequately maintain the Premises, thus creating a hazardous condition to invitees utilizing said Premises, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff; and/or
- b. By negligently failing to maintain or adequately maintain the Premises in a reasonably safe condition, to wit, by creating and/or allowing the improper height of the rug in the lobby to exist and/or
- c. By 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 BROKEN SOUND CLUB, INC. had, or should have had knowledge greater than that of Plaintiff; and/or

- d. By negligently failing to correct one or more of the above-referenced dangerous conditions of the Premises about which BROKEN SOUND CLUB, INC. either knew or should have known, by the use of reasonable care; and/or
- e. By negligently failing to inspect or adequately inspect the Premises, as specified above, to ascertain whether the Premises constituted a hazard to persons utilizing said Premises, including the Plaintiff herein, thereby creating an unreasonably dangerous condition to the Plaintiff.

12. That the Defendant knew or in the exercise of reasonable care should have known of the existence of the dangerous condition and should have taken action to remedy it; and/or the dangerous condition had existed for a sufficient length of time that, in the exercise of ordinary care, Defendant knew or should have known of the condition and should have taken action to remedy it. The aforesaid dangerous condition was created by Defendant and/or it's agents, servants, and/or employees and was therefore foreseeable to the Defendant, and not to invitees on the premises. Defendant failed to take action to inspect and remedy the dangerous condition prior to Plaintiff's incident.

13. As a direct and proximate result of the negligence of Defendant, the Plaintiff, DONNA DEVORE tripped and fell while walking through the Premises and suffered bodily injuries in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earning, loss of the ability to earn money, and aggravation of previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

**COUNT II**  
**CONSORTIUM CLAIM OF NATHAN DEVORE AGAINST BROKEN SOUND CLUB, INC.**

The Plaintiff, NATHAN DEVORE, her husband, reallege and incorporate by reference the allegations in paragraphs 1 - 5 above as though fully set forth herein.

14. At all times relevant to this Complaint the Plaintiff, NATHAN DEVORE, was the spouse of Plaintiff, DONNA DEVORE, and they were and are living together as spouses to one another and are dependent upon each other for both service and support.

15. As a direct and proximate result of the above stated negligence and due to the resulting in injuries to DONNA DEVORE, Plaintiff, NATHAN DEVORE, has suffered in the past and will continue to suffer in the future, the loss of DONNA DEVORE's services, support consortium and the care and comfort of her society.

**WHEREFORE**, the Plaintiff, **NATHAN DEVORE**, prays for entry of a judgment against the Defendant, **BROKEN SOUND CLUB, INC.**, for all allowable damages, including interest and costs, and any such other relief this court deems just and proper.

**DEMAND FOR JURY TRIAL**

The Plaintiffs, **DONNA DEVORE** and **NATHAN DEVORE**, her husband, herein demand a trial by jury on all issued so triable by law.

**DATED** this 4<sup>th</sup> day of March, 2026.

**KAIRE & HEFFERNAN, LLC**

*Co-Counsel for Plaintiffs*

Mark A. Kaire, Esquire

999 Brickell Avenue, PH 1102

Miami, FL 33131

Tel: 305-372-0123

E-mail Designations: [mark@kairelaw.com](mailto:mark@kairelaw.com)

[liane@kairelaw.com](mailto:liane@kairelaw.com)

By: s/Mark Kaire

**MARK A. KAIRE, Esquire**

Fla. Bar No. 042854

**SCOTT MERL, P.A.**

*Co-Counsel for Plaintiffs*

4070 Laguna St, First Floor

Coral Gables, FL. 33146

Tel: 305-444-1575 - Fax: 305-671-9050

Primary E-mail: [pleadings@scottmerllaw.com](mailto:pleadings@scottmerllaw.com)

**PERSONAL E-MAIL ADDRESS:**

(Not for Service of Pleadings and Documents):

[smerl@scottmerllaw.com](mailto:smerl@scottmerllaw.com)

By: s/Scott Merl

**SCOTT J. MERL, Esquire**

Fla. Bar No. 91861