

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

CASE NO.:

FAYE ZOLIN,

Plaintiff,

v.

AW BOCA CLINIC, LLC.,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, FAYE ZOLIN, by and through her undersigned counsel, hereby sues Defendant, AW BOCA CLINIC, LLC., and in support thereof alleges as follows:

JURISDICTION, VENUE & PARTIES

1. That this is an action in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), exclusive of interest and costs, and is within the jurisdiction of this Court.
2. At all times material, Plaintiff, FAYE ZOLIN ("Plaintiff") was and continues to be a resident of Palm Beach County, Florida, and is otherwise *sui juris*.
3. At all times material, upon information and belief, Defendant, AW BOCA CLINIC, LLC., was and is a Foreign Limited Liability Company authorized to conduct business in Palm Beach County and the State of Florida and owns, operates, maintains, and/or controls the subject premises located at 1601 Clint Moore Road, Boca Raton, Florida ("subject premises").

4. The incident, which is the subject matter of this lawsuit, arose at the subject premises in Boca Raton, Palm Beach County, Florida, on October 28, 2024. Therefore, venue remains in Palm Beach County, Florida.

FACTUAL ALLEGATIONS

5. On or about October 28, 2024, Plaintiff, FAYE ZOLIN, was lawfully on the subject premises as a business invitee.

6. That at said time and place, Plaintiff was exiting a medical facility at the subject premises, and walking towards the parking lot on the sidewalk.

7. At that time and place, a dangerous uneven section of concrete existed on the sidewalk of the subject premises.

8. This condition created a foreseeable risk of harm to invitees such as Plaintiff.

9. As a direct result of this dangerous condition, Plaintiff, FAYE ZOLIN, tripped on the uneven section of concrete on the sidewalk, and fell forward, landing on her face.

10. That the aforementioned fall caused Plaintiff to suffer serious and permanent injuries.

COUNT I
NEGLIGENCE CLAIM AGAINST DEFENDANT, AW BOCA CLINIC, LLC

Plaintiff, FAYE ZOLIN, adopts and realleges all of the allegations in paragraphs 1 through 10 as though fully set forth herein.

11. On October 28, 2024, and all times material hereto, Defendant, AW BOCA CLINIC, LLC., owned, operated, managed, maintained and/or controlled

the premises located at or near at 1601 Clint Moore Road, Boca Raton, Florida.

12. The Defendant owed Plaintiff, as a business invitee, a duty to exercise reasonable care to maintain the premises in a reasonably safe condition and to use reasonable care to inspect, correct, repair, or warn of dangerous conditions that were known or should have been known to the Defendant through the exercise of reasonable care.

13. Defendant breached its duty of reasonable care by failing to maintain the premises in a reasonably safe condition, failing to reasonably inspect the premises, failing to repair or correct a dangerous and uneven condition on the walking surface, and failing to warn invitees of the dangerous condition.

14. Defendant and/or its employees had actual knowledge of the dangerous condition; or if Defendant lacked such actual knowledge, this dangerous condition existed for such a length of time that, in the exercise of ordinary care, the Defendant, AW BOCA CLINIC, LLC., should have known of the condition; or in the alternative, the condition occurred with regularity and was therefore foreseeable.

15. As direct result and proximate cause of the aforementioned negligence of Defendant, AW BOCA CLINIC, LLC., as herein above alleged, the Plaintiff, FAYE ZOLIN, suffered past and future damages which include but are not limited to severe significant bodily injury, pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, medical expenses, hospitalization expenses, medical and nursing care treatment, loss of earnings, and the loss of ability for

earning capacity, scarring, and aggravation of an existing physical condition. These losses are permanent and continuing in nature. The Plaintiff will continue to suffer losses in the future.

WHEREFORE, Plaintiff, FAYE ZOLIN, demands judgment against Defendant, AW BOCA CLINIC, LLC., for the total damages suffered by Plaintiff, pre- and post-judgment interest, attorney's fees and costs, and any other relief this Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff, FAYE ZOLIN hereby demands a trial by jury on all issues so triable as a matter of right.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that a true and correct copy of the foregoing has been furnished by electronic mail on the date filed with the Clerk of Court to all counsel listed on the service list on the Florida Court's E-filing portal.

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