

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

ERNEST DAVIDSON,

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.:

v.

BOCA OWNER, LLC, a foreign limited liability
company d/b/a BEACH CLUB AT THE BOCA
RATON, RESORT HOTEL PURCHASING
GROUP, INC., a Vermont corporation
and ONE STOP POOL PROS, INC.,
a Florida profit corporation,

Defendant.

COMPLAINT

COMES NOW, the Plaintiff, **ERNEST DAVIDSON**, by and through the undersigned counsel, and hereby sues the Defendants, **BOCA OWNER, LLC**, a foreign limited liability company, **d/b/a BEACH CLUB AT THE BOCA RATON, RESORT HOTEL PURCHASING GROUP, INC.**, a Vermont corporation and **ONE STOP POOL PROS, INC.** a Florida 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, ERNEST DAVIDSON was and is a natural person residing in Palm Beach County, Florida.
3. At all times material to this action, Defendant, BOCA OWNER, LLC d/b/a BEACH CLUB AT THE BOCA RATON, was and is a foreign limited liability company licensed and allowed to do business in Palm Beach County, Florida.

4. At all times material to this action, Defendant, RESORT HOTEL PURCHASING GROUP, INC., was and is a Vermont corporation, licensed and authorized to conduct business in Palm Beach County, Florida.
5. At all times material to this action, Defendant, ONE STOP POOL PROS, INC., was and is a Florida profit corporation licensed and allowed to do business in Palm Beach County, Florida.
6. Venue is proper in Palm Beach County, Florida because the subject incident from which this cause of action arises occurred in Palm Beach County, Florida.

COUNT I
NEGLIGENCE AGAINST BOCA OWNER, LLC d/b/a BEACH CLUB AT THE BOCA RATON

The Plaintiff, ERNEST DAVIDSON realleges and incorporates by reference the allegations in paragraphs 1 - 6 above as though fully set forth herein.

7. At all times material hereto, the Defendant owned, managed, controlled, operated, maintained, and/or possessed the property located at 900 S Ocean Blvd, Boca Raton, FL 33432 (hereinafter "Premises"), which was open to the public including the Plaintiff, ERNEST DAVIDSON herein.

8. On or about May 15, 2022, Plaintiff, ERNEST DAVIDSON was lawfully in the pool on the Premises when he stepped on a sharp object inside the pool which injured his toe.

9. Specifically, the Defendant's pool was poorly maintained which created a dangerous condition and made it foreseeable that someone such as ERNEST DAVIDSON would step on the sharp object inside the pool and injure himself.

10. 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.

11. 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.

12. 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 BOCA OWNER, LLC d/b/a BEACH CLUB AT THE BOCA RATON. 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 BOCA OWNER, LLC d/b/a BEACH CLUB AT THE BOCA RATON 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.

13. 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.

14. As a direct and proximate result of the negligence of Defendant, the Plaintiff, ERNEST DAVIDSON stepped on a sharp object inside the pool on 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
NEGLIGENCE AGAINST RESORT HOTEL PURCHASING GROUP, INC.

The Plaintiff, ERNEST DAVIDSON realleges and incorporates by reference the allegations in paragraphs 1 - 6 above as though fully set forth herein.

15. At all times material hereto, the Defendant owned, managed, controlled, operated, maintained, and/or possessed the property located at 900 S Ocean Blvd, Boca Raton, FL 33432 (hereinafter "Premises"), which was open to the public including the Plaintiff, ERNEST DAVIDSON herein.

16. On or about May 15, 2022, Plaintiff, ERNEST DAVIDSON was lawfully in the pool on the Premises when he stepped on a sharp object inside the pool which injured his toe.

17. Specifically, the Defendant's pool was poorly maintained which created a dangerous condition and made it foreseeable that someone such as ERNEST DAVIDSON would

step on the sharp object inside the pool and injure himself.

18. 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.

19. 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.

20. 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 RESORT HOTEL PURCHASING GROUP, 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 RESORT HOTEL PURCHASING GROUP, 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.

21. 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 its 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.

22. As a direct and proximate result of the negligence of Defendant, the Plaintiff, ERNEST DAVIDSON stepped on a sharp object inside the pool on 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 III
NEGLIGENCE AGAINST ONE STOP POOL PROS, INC.

The Plaintiff, ERNEST DAVIDSON realleges and incorporates by reference the allegations in paragraphs 1 - 6 above as though fully set forth herein.

23. At all times material hereto, the Defendant owned, managed, controlled, operated, maintained, and/or possessed the property located at 900 S Ocean Blvd, Boca Raton, FL 33432 (hereinafter "Premises"), which was open to the public including the Plaintiff, ERNEST DAVIDSON herein.

24. On or about May 15, 2022, Plaintiff, ERNEST DAVIDSON was lawfully in the pool on the Premises when he stepped on a sharp object inside the pool which injured his toe.

25. Specifically, the Defendant's pool was poorly maintained which created a dangerous condition and made it foreseeable that someone such as ERNEST DAVIDSON would step on the sharp object inside the pool and injure himself.

26. 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.

27. 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.

28. 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 ONE STOP POOL PROS, 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 ONE STOP POOL PROS, 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.

29. 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 its 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.

30. As a direct and proximate result of the negligence of Defendant, the Plaintiff, ERNEST DAVIDSON stepped on a sharp object inside the pool on 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.

WHEREFORE, the Plaintiff, **ERNEST DAVIDSON**, prays for entry of a judgment against the Defendants, **BOCA OWNER, LLC d/b/a BEACH CLUB AT THE BOCA RATON, RESORT HOTEL PURCHASING GROUP, INC.** and **ONE STOP POOL PROS, 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 Plaintiff, **ERNEST DAVIDSON**, herein demands a trial by jury on all issues so triable by law.

