

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

JAMIE ANDREW GAUT,

CASE NO.:

Plaintiff,

vs.

BOCA OWNER LLC D/B/A THE BOCA RATON
A DELAWARE LIMITED LIABILITY COMPANY,
FLB HOSPITALITY CORP.

Defendant(s).

_____ /

COMPLAINT

Plaintiff, JAMIE GAUT, by and through their undersigned counsel, sues Defendant, BOCA OWNER LLC D/B/A THE BOCA RATON A DELAWARE LIMITED LIABILITY COMPANY (hereinafter "BOCA OWNER LLC") and FLB HOSPITALITY CORP and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifty Thousand Dollars (\$50,000.00).
2. At all times material hereto, Plaintiff was a resident of Deerfield Beach Florida, is over the age of 18, and otherwise *sui juris*.
3. At all times material hereto, Defendant, the BOCA OWNER LLC, was and is a foreign Limited Liability Company, that was authorized to do business in Palm Beach County through its business located at 501 E Camino Real, Boca Raton, FL 33432.
4. At all times material hereto, Defendant, BOCA OWNER LLC, owned, operated, controlled, and/or managed the hotel known as The Boca Raton, specifically the golf club, located at 501 E Camino Real, Boca Raton, FL 33432. ("The Boca Raton").

5. At all times material hereto, Defendant, FLB HOSPITALITY CORP., was and is a Florida profit corporation, that was authorized to do business in Palm Beach County through its business located at 501 E Camino Real, Boca Raton, FL 33432.

6. At all times material hereto, Defendant, FLB HOSPITALITY CORP., owned, operated, controlled, and/or managed the hotel known as The Boca Raton, specifically the golf club, located at 501 E Camino Real, Boca Raton, FL 33432. (“The Boca Raton”).

7. On April 2, 2025, Plaintiff was an invitee of the Hotel and golf club and was lawfully upon said premises.

8. At this time, while traversing through the golf course, Plaintiff slipped and fell due to a dangerous slippery/transient foreign substance, specifically an accumulation of algae on a wooden bridge, creating an unreasonably hazardous walking surface.

9. As a result of the subject slip and fall, Plaintiff sustained serious personal injuries.

COUNT I
NEGLIGENCE AGAINST BOCA OWNER LLC

10. Plaintiff re-alleges and re-avers each and every allegation set forth in paragraphs one through nine of the General Allegations as though fully set forth herein.

11. On April 2, 2025, Boca Owner LLC owed a non-delegable duty to maintain the premises in a reasonably safe condition, to keep said premises in a reasonably safe condition free from slippery and transitory foreign substances, and to warn Plaintiff of the slippery and transient foreign substance about which it had or should have had knowledge, greater than that of Plaintiff.

12. Boca Owner LLC created, and/or had actual and/or constructive knowledge of the slippery and transient foreign substance for an unreasonable length of time and failed to remedy the same.

13. Boca Owner LLC, by and through its personnel, employees, and/or authorized agents, breached its duties to Plaintiff in the following negligent and careless manner:

- a. Boca Owner LLC created and/or allowed a dangerous and defective condition to exist on the golf course bridge by permitting algae, slime, and other slippery organic buildup to accumulate on the wooden walking surface, thereby creating an unreasonably hazardous condition;
- b. Boca Owner LLC knew or should have known of the dangerous and defective condition on the golf course bridge, including the accumulation of algae and slippery organic material, yet failed to timely inspect, clean, remove, or otherwise remedy the condition;
- c. Boca Owner LLC failed to take appropriate safety measures to properly inspect, maintain, clean, and preserve the golf course bridge in a reasonably safe condition for invitees and guests;
- d. Boca Owner LLC failed to implement reasonable maintenance, cleaning, and inspection procedures designed to prevent hazardous slippery conditions from developing on the wooden bridge;
- e. Boca Owner LLC failed to take appropriate corrective measures to address the slippery condition on the bridge despite the foreseeable risk that moisture, algae, and organic buildup would create a dangerous walking surface;
- f. Boca Owner LLC failed to provide adequate slip resistance, anti-slip treatment, traction control, or other safety measures on the wooden bridge to reduce the risk of slip and fall incidents;
- g. Boca Owner LLC failed to warn Plaintiff of the known dangerous condition or, alternatively, allowed the dangerous condition to remain when a reasonable inspection would have revealed the same;
- h. Boca Owner LLC permitted the dangerous condition to remain despite knowing, or in the exercise of reasonable care should have known, that the algae accumulation created a hazardous condition for guests, including Plaintiff.
- i. Other breaches to be determined throughout the discovery process.

14. As a direct and proximate result of Boca Owner LLC's negligence, Plaintiff suffered bodily injury, resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, aggravation of a pre-existing condition, lost wages, and the loss of the ability to earn money

in the future. The losses are either permanent or continuing, and the Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, Jamie Gaut, demands judgment against the Defendant, BOCA OWNER LLC D/B/A THE BOCA RATON A DELAWARE LIMITED LIABILITY COMPANY, for damages, costs, and any other relief this court may deem appropriate.

COUNT II
NEGLIGENCE AGAINST FLB HOSPITALITY CORP

15. Plaintiff re-alleges and re-avers each and every allegation set forth in paragraphs one through nine of the General Allegations as though fully set forth herein.

16. On April 2, 2025, FLB HOSPITALITY CORP owed a non-delegable duty to maintain the premises in a reasonably safe condition, to keep said premises in a reasonably safe condition free from slippery and transitory foreign substances, and to warn Plaintiff of the slippery and transient foreign substance about which it had or should have had knowledge, greater than that of Plaintiff.

17. FLB HOSPITALITY CORP, by and through its personnel, employees, and/or authorized agents, breached its duties to Plaintiff in the following negligent and careless manner:

- a. FLB HOSPITALITY CORP created and/or allowed a dangerous and defective condition to exist on the golf course bridge by permitting algae, slime, and other slippery organic buildup to accumulate on the wooden walking surface, thereby creating an unreasonably hazardous condition;
- b. FLB HOSPITALITY CORP knew or should have known of the dangerous and defective condition on the golf course bridge, including the accumulation of algae and slippery organic material, yet failed to timely inspect, clean, remove, or otherwise remedy the condition;
- c. FLB HOSPITALITY CORP failed to take appropriate safety measures to properly inspect, maintain, clean, and preserve the golf course bridge in a reasonably safe condition for invitees and guests;

- d. FLB HOSPITALITY CORP failed to implement reasonable maintenance, cleaning, and inspection procedures designed to prevent hazardous slippery conditions from developing on the wooden bridge;
- e. FLB HOSPITALITY CORP failed to take appropriate corrective measures to address the slippery condition on the bridge despite the foreseeable risk that moisture, algae, and organic buildup would create a dangerous walking surface;
- f. FLB HOSPITALITY CORP failed to provide adequate slip resistance, anti-slip treatment, traction control, or other safety measures on the wooden bridge to reduce the risk of slip and fall incidents;
- g. FLB HOSPITALITY CORP failed to warn Plaintiff of the known dangerous condition or, alternatively, allowed the dangerous condition to remain when a reasonable inspection would have revealed the same;
- h. FLB HOSPITALITY CORP permitted the dangerous condition to remain despite knowing, or in the exercise of reasonable care should have known, that the algae accumulation created a hazardous condition for guests, including Plaintiff.
- i. Other breaches to be determined throughout the discovery process.

18. As a direct and proximate result of FLB HOSPITALITY CORP'S negligence, Plaintiff suffered bodily injury, resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, medical expenses, aggravation of a pre-existing condition, lost wages, and loss of future earning capacity. These losses are either permanent or continuing, and Plaintiff will suffer them in the future.

WHEREFORE, Plaintiff, Jamie Gaut, demands judgment against the Defendant, FLB HOSPITALITY CORP for damages, costs, and any other relief this court may deem appropriate.

DEMAND FOR JURY TRIAL

Plaintiff in the above styled cause hereby demands a trial by jury of all of the issues triable by right.

Respectfully Submitted,

COHEN INJURY LAW, PLLC

Counsel for Plaintiff

300 SE 2nd Street

Suite 600

Fort Lauderdale, FL 33301

Tel: (954) 246-3999

Fax: (954) 715-7287

Zach@cohenlawflorida.com

By: /s/ Zachary M. Cohen, Esq.

ZACHARY M. COHEN, ESQ.

Florida Bar No.: 1048684

THE REYNOLDS LAW FIRM, PLLC

Counsel for Plaintiff

433 Plaza Real Suite 275

Boca Raton, Florida 33432

Telephone: (561) 265-4562

Facsimile: (561) 265-4562

Wreynolds@reynoldslawattorneys.com

Attorneys for Plaintiffs

By: /s/ Willie F. Reynolds, Esq.

WILLIE F. REYNOLDS, ESQ.

FBN: 1035618