

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

CASE NO.:

MIRLENE OBAS as
Personal Representative of
the Estate of BERKENS OBAS,
MIRLENE OBAS, as an individual, and
Z.O., a minor child,
Plaintiffs,

vs.

ASHLEY LAKE FEE OWNER LLC, a
Foreign Limited Liability Company, ZRS
MANAGEMENT, LLC, a Florida Limited
Liability Company, and TRUAMERICA
MULTIFAMILY LLC, a Foreign Limited
Liability Company,
Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, MIRLENE OBAS, as Personal Representative of the Estate of BERKENS OBAS, MIRLENE OBAS, as an individual, and Z.O., a minor child, hereby sue Defendants, ASHLEY LAKE FEE OWNER LLC, ZRS MANAGEMENT, LLC, and TRUAMERICA MULTIFAMILY LLC, and as grounds thereof would state as follows:

ALLEGATIONS AS TO ALL COUNTS

1. This is an action brought in excess of thirty thousand dollars (\$50,000.00) exclusive of interest, costs and attorneys fees and brought pursuant to the Florida Wrongful Death Act, Fla. Stat. 768.16.

2. At all material times, Plaintiff, MIRLENE OBAS, is the duly appointed Personal Representative of the Estate of BERKENS OBAS, and is a resident of Palm Beach County, Florida.

3. At all material times, MIRLENE OBAS, was the wife of the decedent, BERKENS OBAS, and is a statutory survivor.

4. At all material times, Z.O. (a minor child), was the natural child of the decedent, BERKENS OBAS, and is a statutory survivor.

5. At all material times, ASHLEY LAKE FEE OWNER, LLC (hereinafter "ASHLEY") was an active Foreign Limited Liability Company with its principal address located 10100 Santa Monica Boulevard, Suite 400, Los Angeles, California 90067, authorized to do, and was doing business in the State of Florida with its registered agent located at Corporation Service Company, 1201 Hays Street, Tallahassee, Florida 32301, and owning/operating/managing the apartment complex commonly known as the "Ashley Lakes Apartments," located at 5020 Ashley Lake Drive, Boynton Beach, Florida 33437, where the subject shooting occurred (hereinafter the "subject premises").

6. At all material times, ZRS MANAGEMENT, LLC (hereinafter "ZRS") was an active Florida Limited Liability Company with its principal address located at 2001 Summit Park Drive, Suite 300, Orlando, Florida 32810, authorized to do, and was doing business in the State of Florida with its registered agent Corporation Service Company, 1201 Hays Street, Tallahassee, Florida 32301, and owning/operating/managing the apartment complex commonly known as the "Ashley Lakes Apartments," located at 5020 Ashley Lake Drive, Boynton Beach, Florida 33437, where the subject shooting occurred (hereinafter the "subject premises").

7. At all material times, TRUAMERICA MULTIFAMILY LLC (hereinafter "TRUAMERICA") was a Foreign Limited Liability Company with its principal address located at 10100 Santa Monica Blvd., Suite 400, Los Angeles, CA 90067, authorized to do, and was doing business in the State of Florida with its registered agent Corporation Service Company, 1201 Hays

Street, Tallahassee, Florida 32301, and owning/operating/managing the apartment complex commonly known as the “Ashley Lakes Apartments,” located at 5020 Ashley Lake Drive, Boynton Beach, Florida 33437, where the subject shooting occurred (hereinafter the “subject premises”)

8. Venue is proper in Palm Beach County because at all material times, the subject incident occurred in Palm Beach County.

9. On or about Sunday, August 10, 2025, Plaintiffs, BERKENS OBAS, MIRLENE OBAS, and, Z.O., were lawfully on the subject premises, commonly known as the Ashley Lakes Apartments, which was owned, managed, controlled, and/or maintained by the Defendants.

10. While on the property, BERKENS OBAS was shot and killed.

11. Plaintiffs, MIRLENE OBAS, and Z.O. were present in the area, were shot at, and directly witnessed BERKENS OBAS being shot and ultimately, dying.

**COUNT 1: BERKENS OBAS’ NEGLIGENCE CLAIM AGAINST DEFENDANT,
ASHLEY LAKE FEE OWNER LLC**

12. Plaintiffs re-allege paragraphs 1 through 11.

13. At all material times, Defendant, ASHLEY, through their agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

14. In particular, Defendant, ASHLEY, had a duty to take such precautions as were reasonably necessary to protect their residents and invitees, including BERKENS OBAS, from reasonably foreseeable criminal attacks.

15. At all material times, Defendant, ASHLEY, through their agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises was in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were

reasonably likely to be perpetrated on residents and/or invitees unless Defendant, ASHLEY, took appropriate measures to provide reasonable security for such individuals.

16. Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

17. Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including BERKENS OBAS, could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

18. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against BERKENS OBAS was reasonably foreseeable to Defendant, ASHLEY who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to BERKENS OBAS.

19. At the above mentioned time and place, the Defendant, ASHLEY, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including BERKENS OBAS, and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including BERKENS OBAS;
- b. Failing to warn its residents and/or invitees, including BERKENS OBAS of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar

nature to the one herein (i.e. crimes against persons) occurred on the Defendants' premises prior to the subject incident;

- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including BERKENS OBAS, when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;
- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect BERKENS OBAS and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known

industry standards and customs for safety in the community;

- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

20. Defendant, ASHLEY, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative,

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

21. At all material times, Defendant, ASHLEY, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident

occurred.

22. Defendant, ASHLEY, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, ASHLEY, failed to warn its residents and/or invitees, including but not limited to BERKENS OBAS, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

23. The negligence of Defendant, ASHLEY, proximately caused injuries to BERKENS OBAS, and directly led to the shooting of BERKENS OBAS in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendants' premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

24. As a direct and proximate result of Defendant, ASHLEY's negligence and the ensuing death of BERKENS OBAS, the Plaintiffs claim the following damages as to the Survivors and the Estate:

- a. Lost companionship and protection, mental pain and suffering;
- b. Medical and funeral expenses;
- c. Lost support and services;

- d. Future loss of support and services;
- e. Loss of prospective net accumulations; and
- f. Medical and funeral expenses that have become a charge against the Estate.

WHEREFORE, Plaintiff, MIRLENE OBAS, as Personal Representative of the Estate of BERKENS OBAS, demands judgement against the Defendant, ASHLEY LAKE FEE OWNER LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

**COUNT 2: BERKENS OBAS' NEGLIGENCE CLAIM AGAINST DEFENDANT, ZRS
MANAGEMENT, LLC**

25. Plaintiffs re-allege paragraphs 1 through 11.

26. At all material times, Defendant, ZRS, through their agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

27. In particular, Defendant, ZRS, had a duty to take such precautions as were reasonably necessary to protect their residents and invitees, including BERKENS OBAS, from reasonably foreseeable criminal attacks.

28. At all material times, Defendant, ZRS, through their agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises was in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, ZRS, took appropriate measures to provide reasonable security for such individuals.

29. Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts

including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

30. Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including BERKENS OBAS, could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

31. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against BERKENS OBAS was reasonably foreseeable to Defendant, ZRS who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to BERKENS OBAS.

32. At the above mentioned time and place, the Defendant, ZRS, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including BERKENS OBAS, and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including BERKENS OBAS;
- b. Failing to warn its residents and/or invitees, including BERKENS OBAS of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendants' premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including BERKENS OBAS, when Defendant knew or should have known that the

subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;

- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect BERKENS OBAS and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to

live on the premises;

1. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

33. Defendant, ZRS, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative,

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

34. At all material times, Defendant, ZRS, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

35. Defendant, ZRS, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, ZRS, failed to warn its residents and/or invitees, including but not limited to

BERKENS OBAS, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

36. The negligence of Defendant, ZRS, proximately caused injuries to BERKENS OBAS, and directly led to the shooting of BERKENS OBAS in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendants' premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

37. As a direct and proximate result of Defendant, ZRS's negligence and the ensuing death of BERKENS OBAS, the Plaintiffs claim the following damages as to the Survivors and the Estate:

- a. Lost companionship and protection, mental pain and suffering;
- b. Medical and funeral expenses;
- c. Lost support and services;
- d. Future loss of support and services;
- e. Loss of prospective net accumulations; and
- f. Medical and funeral expenses that have become a charge against the Estate.

WHEREFORE, Plaintiff, MIRLENE OBAS, as Personal Representative of the Estate of

BERKENS OBAS, demands judgement against the Defendant, ZRS MANAGEMENT, LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT 3: BERKENS OBAS' NEGLIGENCE CLAIM AGAINST DEFENDANT,
TRUAMERICA MULTIFAMILY LLC

38. Plaintiffs re-allege paragraphs 1 through 11.

39. At all material times, Defendant, TRUAMERICA, through their agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

40. In particular, Defendant, TRUAMERICA, had a duty to take such precautions as were reasonably necessary to protect their residents and invitees, including BERKENS OBAS, from reasonably foreseeable criminal attacks.

41. At all material times, Defendant, TRUAMERICA, through their agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises was in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, TRUAMERICA, took appropriate measures to provide reasonable security for such individuals.

42. Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

43. Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including BERKENS OBAS,

could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

44. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against BERKENS OBAS was reasonably foreseeable to Defendant, TRUAMERICA who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to BERKENS OBAS.

45. At the above mentioned time and place, the Defendant, TRUAMERICA, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including BERKENS OBAS, and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including BERKENS OBAS;
- b. Failing to warn its residents and/or invitees, including BERKENS OBAS of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendants' premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including BERKENS OBAS, when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;

- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect BERKENS OBAS and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized

by similar premises in the local community; and,

m. Additional acts of negligence not yet discovered.

46. Defendant, TRUAMERICA, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative,

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

47. At all material times, Defendant, TRUAMERICA, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

48. Defendant, TRUAMERICA, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, TRUAMERICA, failed to warn its residents and/or invitees, including but not limited to BERKENS OBAS, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

49. The negligence of Defendant, TRUAMERICA, proximately caused injuries to BERKENS OBAS, and directly led to the shooting of BERKENS OBAS in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendants' premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

50. As a direct and proximate result of Defendant, TRUAMERICA's negligence and the ensuing death of BERKENS OBAS, the Plaintiffs claim the following damages as to the Survivors and the Estate:

- a. Lost companionship and protection, mental pain and suffering;
- b. Medical and funeral expenses;
- c. Lost support and services;
- d. Future loss of support and services;
- e. Loss of prospective net accumulations; and
- f. Medical and funeral expenses that have become a charge against the Estate.

WHEREFORE, Plaintiff, MIRLENE OBAS, as Personal Representative of the Estate of BERKENS OBAS, demands judgement against the Defendant, TRUAMERICA MULTIFAMILY LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

**COUNT 4 – MIRLENE OBAS' NEGLIGENCE CLAIM AGAINST
DEFENDANT, ASHLEY LAKE FEE OWNER LLC**

51. Plaintiffs re-allege paragraphs 1 through 11.

52. At all material times, Defendant, ASHLEY, through its agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

53. In particular, Defendant, ASHLEY, had a duty to take such precautions as were reasonably necessary to protect its residents and invitees, including MIRLENE OBAS, from reasonably foreseeable criminal attacks.

54. At all material times, Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises were in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, ASHLEY, took appropriate measures to provide reasonable security for such individuals.

55. Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

56. Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including MIRLENE OBAS, could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

57. As a result of the allegations set forth above, at all material times the criminal attack

perpetrated against MIRLENE OBAS was reasonably foreseeable to Defendant, ASHLEY, who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to MIRLENE OBAS.

58. At the above mentioned time and place, the Defendant, ASHLEY, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including MIRLENE OBAS, and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including MIRLENE OBAS;
- b. Failing to warn its residents and/or invitees, including MIRLENE OBAS of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendant's premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including MIRLENE OBAS, when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;
- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection

for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;

- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect MIRLENE OBAS and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

59. Defendant, ASHLEY, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the

subject incident occurred; or in the alternative:

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
 - b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.
60. At all material times, Defendant, ASHLEY, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.
61. Defendant, ASHLEY, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, ASHLEY, failed to warn its residents and/or invitees, including but not limited to MIRLENE OBAS, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.
62. The negligence of Defendant, ASHLEY, proximately caused injuries to MIRLENE OBAS, and directly led to a shooting towards MIRLENE OBAS in that:
- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;

- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendant's premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

63. As a direct and proximate result of Defendant, ASHLEY's negligence, MIRLENE OBAS suffered severe bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff will suffer these losses in the future.

WHEREFORE the Plaintiff, MIRLENE OBAS, demands judgment against the Defendant, ASHLEY LAKE FEE OWNER LLC, for damages, interest, costs and any further relief to which Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by a jury.

**COUNT 5 – MIRLENE OBAS' NEGLIGENCE CLAIM AGAINST
DEFENDANT, ZRS MANAGEMENT, LLC**

64. Plaintiffs re-allege paragraphs 1 through 11.

65. At all material times, Defendant, ZRS, through its agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

66. In particular, Defendant, ZRS, had a duty to take such precautions as were reasonably necessary to protect its residents and invitees, including MIRLENE OBAS, from

reasonably foreseeable criminal attacks.

67. At all material times, Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises were in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, ZRS, took appropriate measures to provide reasonable security for such individuals.

68. Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

69. Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including MIRLENE OBAS, could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

70. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against MIRLENE OBAS was reasonably foreseeable to Defendant, ZRS, who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to MIRLENE OBAS.

71. At the above mentioned time and place, the Defendant, ZRS, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including MIRLENE OBAS, and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including

MIRLENE OBAS;

- b. Failing to warn its residents and/or invitees, including MIRLENE OBAS of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendant's premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including MIRLENE OBAS, when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;
- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect

MIRLENE OBAS and other residents and/or invitees;

- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

72. Defendant, ZRS, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative:

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

73. At all material times, Defendant, ZRS, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

74. Defendant, ZRS, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, ZRS, failed to warn its residents and/or invitees, including but not limited to MIRLENE OBAS, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

75. The negligence of Defendant, ZRS, proximately caused injuries to MIRLENE OBAS, and directly led to a shooting towards MIRLENE OBAS in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendant's premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

76. As a direct and proximate result of Defendant, ZRS's negligence, MIRLENE OBAS suffered severe bodily injury resulting in pain and suffering, disability, disfigurement,

mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff will suffer these losses in the future.

WHEREFORE the Plaintiff, MIRLENE OBAS, demands judgment against the Defendant, ZRS MANAGEMENT, LLC, for damages, interest, costs and any further relief to which Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by a jury.

**COUNT 6 – MIRLENE OBAS’ NEGLIGENCE CLAIM AGAINST
DEFENDANT, TRUAMERICA MULTIFAMILY LLC**

77. Plaintiffs re-allege paragraphs 1 through 11.

78. At all material times, Defendant, TRUAMERICA, through its agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

79. In particular, Defendant, TRUAMERICA, had a duty to take such precautions as were reasonably necessary to protect its residents and invitees, including MIRLENE OBAS, from reasonably foreseeable criminal attacks.

80. At all material times, Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises were in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, TRUAMERICA, took appropriate measures to provide reasonable security for such individuals.

81. Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal

acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

82. Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including MIRLENE OBAS, could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

83. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against MIRLENE OBAS was reasonably foreseeable to Defendant, TRUAMERICA, who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to MIRLENE OBAS.

84. At the above mentioned time and place, the Defendant, TRUAMERICA, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including MIRLENE OBAS, and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including MIRLENE OBAS;
- b. Failing to warn its residents and/or invitees, including MIRLENE OBAS of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendant's premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees,

including MIRLENE OBAS, when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;

- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect MIRLENE OBAS and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential

tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;

1. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,

m. Additional acts of negligence not yet discovered.

85. Defendant, TRUAMERICA, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative:

a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,

b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

86. At all material times, Defendant, TRUAMERICA, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

87. Defendant, TRUAMERICA, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises.

Further, the Defendant, TRUAMERICA, failed to warn its residents and/or invitees, including but not limited to MIRLENE OBAS, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

88. The negligence of Defendant, TRUAMERICA, proximately caused injuries to MIRLENE OBAS, and directly led to a shooting towards MIRLENE OBAS in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendant's premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

89. As a direct and proximate result of Defendant, TRUAMERICA's negligence, MIRLENE OBAS suffered severe bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff will suffer these losses in the future.

WHEREFORE the Plaintiff, MIRLENE OBAS, demands judgment against the Defendant, TRUAMERICA MULTIFAMILY LLC, for damages, interest, costs and any further relief to which Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by a jury.

**COUNT 7: Z.O.'S NEGLIGENCE CLAIM AGAINST
DEFENDANT, ASHLEY LAKE FEE OWNER LLC**

90. Plaintiffs re-allege paragraphs 1 through 11.

91. At all material times, Defendant, ASHLEY, through its agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

92. In particular, Defendant, ASHLEY, had a duty to take such precautions as were reasonably necessary to protect its residents and invitees, including Z.O., from reasonably foreseeable criminal attacks.

93. At all material times, Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises were in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, ASHLEY, took appropriate measures to provide reasonable security for such individuals.

94. Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

95. Defendant, ASHLEY, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including Z.O., could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

96. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against Z.O. was reasonably foreseeable to Defendant, ASHLEY, who was in a

superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to Z.O.

97. At the above mentioned time and place, the Defendant, ASHLEY, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including Z.O., and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including Z.O.;
- b. Failing to warn its residents and/or invitees, including Z.O. of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendant's premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including Z.O. when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;
- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in

working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;

- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect Z.O. and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

98. Defendant, ASHLEY, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative:

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident

occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,

- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

99. At all material times, Defendant, ASHLEY, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

100. Defendant, ASHLEY, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, ASHLEY, failed to warn its residents and/or invitees, including but not limited to Z.O., of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

101. The negligence of Defendant, ASHLEY, proximately caused injury to Z.O., and directly led to a shooting towards Z.O. in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendant's premises

without being caught, discovered, and/or prosecuted; and,

- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

102. As a direct and proximate result of Defendant, ASHLEY's negligence, Z.O. suffered severe bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff will suffer these losses in the future.

WHEREFORE the Plaintiff, Z.O., demands judgment against the Defendant, ASHLEY LAKE FEE OWNER LLC, for damages, interest, costs and any further relief to which Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by a jury.

**COUNT 8: Z.O.'S NEGLIGENCE CLAIM AGAINST
DEFENDANT, ZRS MANAGEMENT, LLC**

103. Plaintiffs re-allege paragraphs 1 through 11.

104. At all material times, Defendant, ZRS, through its agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

105. In particular, Defendant, ZRS, had a duty to take such precautions as were reasonably necessary to protect its residents and invitees, including Z.O., from reasonably foreseeable criminal attacks.

106. At all material times, Defendant, ZRS, through its agents and/or employees, knew,

or in the exercise of reasonable care should have known, the premises were in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, ZRS, took appropriate measures to provide reasonable security for such individuals.

107. Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

108. Defendant, ZRS, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including Z.O., could not take the necessary and reasonable measures to provide for their own security while on the subject premises.

109. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against Z.O. was reasonably foreseeable to Defendant, ZRS, who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to Z.O.

110. At the above mentioned time and place, the Defendant, ZRS, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including Z.O., and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including Z.O.;
- b. Failing to warn its residents and/or invitees, including Z.O. of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one

herein (i.e. crimes against persons) occurred on the Defendant's premises prior to the subject incident;

- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including Z.O. when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;
- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;
- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect Z.O. and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;

- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

111. Defendant, ZRS, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative:

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

112. At all material times, Defendant, ZRS, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

113. Defendant, ZRS, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, ZRS, failed to warn its residents and/or invitees, including but not limited to Z.O., of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

114. The negligence of Defendant, ZRS, proximately caused injury to Z.O., and directly led to a shooting towards Z.O. in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendant's premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

115. As a direct and proximate result of Defendant, ZRS's negligence, Z.O. suffered severe bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff will suffer these losses in the future.

WHEREFORE the Plaintiff, Z.O., demands judgment against the Defendant, ZRS MANAGEMENT, LLC, for damages, interest, costs and any further relief to which Plaintiff is

entitled under the applicable law and further demands trial by jury of all issues triable as of right by a jury.

**COUNT 9: Z.O.'S NEGLIGENCE CLAIM AGAINST
DEFENDANT, TRUAMERICA MULTIFAMILY LLC**

116. Plaintiffs re-allege paragraphs 1 through 11.

117. At all material times, Defendant, TRUAMERICA, through its agents and/or employees, owed a duty to its residents and invitees, to exercise reasonable and ordinary care to maintain the premises, located at 5020 Ashley Lakes Apartments, Boynton Beach, Florida 33437, in a condition reasonably safe for use by its residents and invitees.

118. In particular, Defendant, TRUAMERICA, had a duty to take such precautions as were reasonably necessary to protect its residents and invitees, including Z.O., from reasonably foreseeable criminal attacks.

119. At all material times, Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, the premises were in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated on residents and/or invitees unless Defendant, TRUAMERICA, took appropriate measures to provide reasonable security for such individuals.

120. Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known, that prior to August 10, 2025, numerous criminal acts including, but not limited to, shootings, assaults, muggings, batteries, burglaries, robberies, and drug dealing, occurred on or around the subject premises, and throughout adjacent areas.

121. Defendant, TRUAMERICA, through its agents and/or employees, knew, or in the exercise of reasonable care should have known that individuals, including Z.O., could not take the

necessary and reasonable measures to provide for their own security while on the subject premises.

122. As a result of the allegations set forth above, at all material times the criminal attack perpetrated against Z.O. was reasonably foreseeable to Defendant, TRUAMERICA, who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents, including but not limited to Z.O.

123. At the above mentioned time and place, the Defendant, TRUAMERICA, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and/or invitees, including Z.O., and acted in a negligent manner in various respects, including but not limited to the following acts of omission or commission:

- a. Failing to provide adequate security for its residents and/or invitees, including Z.O.;
- b. Failing to warn its residents and/or invitees, including Z.O. of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) occurred on the Defendant's premises prior to the subject incident;
- c. Failing to warn, protect, guard, and secure the safety of its residents and/or invitees, including Z.O. when Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of Defendant;
- d. Failing to institute an effective means of physical access control, in order to prevent unauthorized persons from gaining entry into the subject premises, such as working security gates and/or a guard house that actually has a security guard;
- e. Failing to police, patrol, guard, deter, and otherwise provide adequate protection

for its residents and/or invitees, when Defendant knew or should have known of foreseeable criminal acts on persons;

- f. Failing to have and/or maintain an adequate number of surveillance cameras in working condition, such that crimes perpetrated near residential apartments are captured on camera, and available to assist law enforcement in subsequent investigations;
- g. Failing to prepare and/or implement and/or properly implement adequate security policies, security measures, and security procedures necessary to protect Z.O. and other residents and/or invitees;
- h. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- i. Failing to adequately provide an overall security plan that would meet known industry standards and customs for safety in the community;
- j. Failing to adequately assess the levels of crime on the premises and in the area;
- k. Failing to have implement or execute an adequate screening process for potential tenants, thereby allowing persons, that otherwise would be deemed dangerous, to live on the premises;
- l. The proceeding paragraphs, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar premises in the local community; and,
- m. Additional acts of negligence not yet discovered.

124. Defendant, TRUAMERICA, through its agents and/or employees, negligently failed to devise any procedures governing the inspection, supervision, and/or security of the area

where the subject incident occurred; or in the alternative:

- a. Defendant, through its agents and employees did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,
- b. Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a negligent manner.

125. At all material times, Defendant, TRUAMERICA, through its agents and employees, negligently failed to hire persons, employees, companies, and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its invitees and the public, including the areas of the premises where the subject incident occurred.

126. Defendant, TRUAMERICA, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant, TRUAMERICA, failed to warn its residents and/or invitees, including but not limited to Z.O., of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a sufficient length of time such that a reasonable inspection would have disclosed the danger.

127. The negligence of Defendant, TRUAMERICA, proximately caused injury to Z.O., and directly led to a shooting towards Z.O. in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;

- b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- c. Criminals frequently carried out physical assaults on the Defendant's premises without being caught, discovered, and/or prosecuted; and,
- d. An atmosphere was created at the Defendant's premises, which facilitated the commission of crimes against persons.

128. As a direct and proximate result of Defendant, TRUAMERICA's negligence, Z.O. suffered severe bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, and loss of earnings. These losses are either permanent or continuing in nature, and the Plaintiff will suffer these losses in the future.

WHEREFORE the Plaintiff, Z.O., demands judgment against the Defendant, TRUAMERICA MULTIFAMILY LLC, for damages, interest, costs and any further relief to which Plaintiff is entitled under the applicable law and further demands trial by jury of all issues triable as of right by a jury.

COUNT 10: MIRLENE OBAS' NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS CLAIM AGAINST DEFENDANT, ASHLEY LAKE FEE OWNER LLC

129. Plaintiffs re-allege paragraphs 1 through 11.

130. Plaintiff, MIRLENE OBAS was the wife of the decedent, BERKENS OBAS.

131. On August 10, 2025, BERKENS OBAS was shot and killed as a result of a criminal attack perpetrated against him, which was reasonably foreseeable to Defendant, ASHLEY, and who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents.

132. Plaintiff, MIRLENE OBAS was present in the area and directly saw and heard her husband, BERKENS OBAS as he was shot and killed.

133. As a direct and proximate result of witnessing her husband, BERKENS OBAS being shot and killed as a result of Defendant, ASHLEY's negligent conduct, Plaintiff, MIRLENE OBAS, suffered and continues to suffer emotional damages that have manifested into physical symptoms.

WHEREFORE, Plaintiff, MIRLENE OBAS, demands judgement against the Defendant, ASHLEY LAKE FEE OWNER LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT 11: MIRLENE OBAS' NEGLIGENT INFLECTION OF EMOTONAL DISTRESS CLAIM AGAINST DEFENDANT, ZRS MANAGEMENT, LLC

134. Plaintiffs re-allege paragraphs 1 through 11.

135. Plaintiff, MIRLENE OBAS was the wife of the decedent, BERKENS OBAS.

136. On August 10, 2025, BERKENS OBAS was shot and killed as a result of a criminal attack perpetrated against him, which was was reasonably foreseeable to Defendant, ZRS, and who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents.

137. Plaintiff, MIRLENE OBAS was present in the area and directly saw and heard her husband, BERKENS OBAS as he was shot and killed.

138. As a direct and proximate result of witnessing her husband, BERKENS OBAS being shot and killed as a result of Defendant, ZRS's negligent conduct, Plaintiff, MIRLENE OBAS, suffered and continues to suffer emotional damages that have manifested into physical symptoms.

WHEREFORE, Plaintiff, MIRLENE OBAS, demands judgement against the Defendant, ZRS MANAGEMENT, LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT 12: MIRLENE OBAS' NEGLIGENT INFLECTION OF EMOTONAL DISTRESS CLAIM AGAINST DEFENDANT, TRUAMERICA MULTIFAMILY LLC

139. Plaintiffs re-allege paragraphs 1 through 11.

140. Plaintiff, MIRLENE OBAS was the wife of the decedent, BERKENS OBAS.

141. On August 10, 2025, BERKENS OBAS was shot and killed as a result of a criminal attack perpetrated against him, which was was reasonably foreseeable to Defendant, TRUAMERICA, and who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents.

142. Plaintiff, MIRLENE OBAS was present in the area and directly saw and heard her husband, BERKENS OBAS as he was shot and killed.

143. As a direct and proximate result of witnessing her husband, BERKENS OBAS being shot and killed as a result of Defendant, TRUAMERICA's negligent conduct, Plaintiff, MIRLENE OBAS, suffered and continues to suffer emotional damages that have manifested into physical symptoms.

WHEREFORE, Plaintiff, MIRLENE OBAS, demands judgement against the Defendant, TRUAMERICA MULTIFAMILY LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

COUNT 13 – Z.O.'S NEGLIGENT INFLECTION OF EMOTONAL DISTRESS CLAIM AGAINST DEFENDANT, ASHLEY LAKE FEE OWNER LLC

144. Plaintiffs re-allege paragraphs 1 through 11.

145. Plaintiff, Z.O., was the son of the decedent, BERKENS OBAS.

146. On August 10, 2025, BERKENS OBAS was shot and killed as a result of a criminal attack perpetrated against him, which was reasonably foreseeable to Defendant, ASHLEY, and who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents.

147. Plaintiff, Z.O., was present in the area and directly saw and heard his dad, BERKENS OBAS as he was shot and killed.

148. As a direct and proximate result of witnessing his dad, BERKENS OBAS being shot and killed as a result of Defendant, ASHLEY's negligent conduct, Plaintiff, Z.O., suffered and continues to suffer emotional damages that have manifested into physical symptoms.

WHEREFORE, Plaintiff, Z.O., demands judgement against the Defendant, ASHLEY LAKE FEE OWNER LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

**COUNT 14 – Z.O.'S NEGLIGENT INFLICTION OF EMOTONAL DISTRESS
CLAIM AGAINST DEFENDANT, ZRS MANAGEMENT, LLC**

149. Plaintiffs re-allege paragraphs 1 through 11.

150. Plaintiff, Z.O., was the son of the decedent, BERKENS OBAS.

151. On August 10, 2025, BERKENS OBAS was shot and killed as a result of a criminal attack perpetrated against him, which was reasonably foreseeable to Defendant, ZRS, and who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents.

152. Plaintiff, Z.O., was present in the area and directly saw and heard his dad, BERKENS OBAS as he was shot and killed.

153. As a direct and proximate result of witnessing his dad, BERKENS OBAS being shot and killed as a result of Defendant, ZRS's negligent conduct, Plaintiff, Z.O., suffered and

continues to suffer emotional damages that have manifested into physical symptoms.

WHEREFORE, Plaintiff, Z.O., demands judgement against the Defendant, ZRS MANAGEMENT, LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

**COUNT 15 – Z.O.’S NEGLIGENT INFLECTION OF EMOTONAL DISTRESS
CLAIM AGAINST DEFENDANT, TRUAMERICA MULTIFAMILY LLC**

154. Plaintiffs re-allege paragraphs 1 through 11.

155. Plaintiff, Z.O., was the son of the decedent, BERKENS OBAS.

156. On August 10, 2025, BERKENS OBAS was shot and killed as a result of a criminal attack perpetrated against him, which was was reasonably foreseeable to Defendant, TRUAMERICA, and who was in a superior position to appreciate such hazards and take necessary steps to prevent harm to residents.

157. Plaintiff, Z.O., was present in the area and directly saw and heard his dad, BERKENS OBAS as he was shot and killed.

158. As a direct and proximate result of witnessing his dad, BERKENS OBAS being shot and killed as a result of Defendant, TRUAMERICA’s negligent conduct, Plaintiff, Z.O., suffered and continues to suffer emotional damages that have manifested into physical symptoms.

WHEREFORE, Plaintiff, Z.O., demands judgement against the Defendant, TRUAMERICA MULTIFAMILY LLC, for all damages recoverable under the law of Florida and further demands a trial by jury on all issues so triable as of right by a jury.

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Signed and dated this 16 day of July, 2026.

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