

IN THE CIRCUIT COURT OF THE  
17<sup>TH</sup> JUDICIAL CIRCUIT IN AND

FOR

BROWARD COUNTY, FLORIDA

BRANDON JEAN,

CASE NO:

Plaintiff,

vs.

DME MEDICAL SUPPLIES & COMPLEX  
REHAB, INC., f/k/a DME OF AMERICA  
ONE, INC.

Defendant.

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**COMPLAINT**

Plaintiff, BRANDON JEAN, by and through the undersigned counsel, sues Defendant, DME MEDICAL SUPPLIES & COMPLEX REHAB, INC., f/k/a DME OF AMERICA ONE, INC., (hereinafter referred as to "DME MEDICAL") and alleges as follows:

**JURISDICTION, PARTIES AND VENUE**

1. This is an action for damages that exceed Fifty Thousand (\$50,000.00) Dollars.
2. At all times material hereto, Plaintiff, BRANDON JEAN, was a resident of Broward County, Florida and is otherwise sui juris.
3. At all times material hereto, Defendant, DME MEDICAL was a Florida Corporation licensed and actively doing business in Broward County, Florida.
4. The incident which is the subject of this litigation occurred in Lauderdale Lakes, Broward County, Florida.

5. Jurisdiction and Venue are properly set in this Circuit Court of Broward County, Florida.

### **FACTUAL ALLEGATIONS**

6. Plaintiff, BRANDON JEAN is disabled and requires the use of a wheelchair.

7. On or about July 16, 2024, Defendant, DME MEDICAL owned and/or operated a Medical Supply company that was in the business of selling, installing, maintaining and repairing medical supplies, including wheelchairs.

8. On or about July 16, 2024, Plaintiff, BRANDON JEAN contacted Defendant, DME MEDICAL to repair the wheels of his wheelchair.

9. On or about July 16, 2024, Defendant, DME MEDICAL sent a repair technician to BRANDON JEAN'S home in Lauderdale Lakes, Broward County, Florida to repair the wheels of his wheelchair.

10. The repair technician sent by Defendant, DME MEDICAL admitted to MR. JEAN he was new with the company and still required supervision and training from his supervisor; the regular repair technician, "Richard."

11. Richard did not accompany the repair technician to MR. JEAN'S home on or about July 16, 2024 to perform the repairs to the wheels of MR. JEAN'S wheelchair.

12. When the repair technician was finished with the repairs, he left zip ties on the wheels seemingly placed on the wheelchair in order to hold the wheels in position.

13. After the technician finished his work and left MR. JEAN'S home, MR. JEAN attempted to sit in the wheelchair. However, due to instability in the wheels of the chair

created by the technician's improper repairs, MR. JEAN was thrown from the chair onto the floor of his home.

14. The improper repair and failure to secure the wheels of the wheelchair created a dangerous and hazardous condition.

15. The dangerous condition of the wheelchair was known or should have been known to Defendant, DME MEDICAL through the exercise of reasonable care.

16. MR JEAN'S fall from the wheelchair was caused solely by the dangerous condition created by Defendant.

17. MR. JEAN remained on the floor of his home unable to get up until a family member arrived and assisted him using a sheet.

18. MR. JEAN was forced to lay in pain on the floor due to the negligence of the inept repair technician sent to MR. JEAN'S home by Defendant, DME MEDICAL.

19. All conditions precedent to filing this lawsuit have occurred, expired or been waived.

**COUNT I – NEGLIGENCE AGAINST TK ELEVATOR CORPORATION**

20. Plaintiff incorporates by reference and pleads Paragraphs 1-19 above as is full set forth herein.

21. On or about July 16, 2024, 2024, DME MEDICAL was responsible for the inspection, service, repair and/or maintenance of MR. JEAN'S wheelchair.

22. At all times material hereto, DME MEDICAL had a duty to use reasonable care in the inspection, repair, service, and/or maintenance of MR. JEAN'S wheelchair in order to ensure the safety of MR. JEAN.

23. DME MEDICAL breached its duty to MR. JEAN and its negligence includes, but is not limited to, the following:

- a) Failing to properly inspect, service and/or repair MR. JEAN'S wheelchair which created a dangerous condition;
- b) Creating a dangerous condition when its agent, apparent agent or employee negligently performed repairs on the wheelchair;
- c) Failing to warn of a dangerous condition created by the negligence of its agent, apparent agent or employee of DME MEDICAL

24. At all times material hereto, DME MEDICAL breached its duty to MR. JEAN by negligently creating a dangerous condition when its agent, apparent agent and/or employee failed to properly repair MR. JEAN'S wheelchair.

25. At all times material hereto, DME MEDICAL breached its duty to MR. JEAN when it sent an agent, apparent agent and/or employee to repair MR. JEAN'S wheelchair who did not possess sufficient skill, education, training and/or experience to properly repair MR. JEAN'S wheelchair.

26. At all times material hereto, DME MEDICAL is vicariously liable for the negligence of its agents, apparent agents, and employees, including the technician assigned to repair MR. JEAN'S wheelchair.

27. As a direct and proximate cause of the negligence of Defendant, DME MEDICAL, PLAINTIFF, BRANDON JEAN suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment and aggravation of a

previously existing condition. The losses are either permanent or continuing and PLAINTIFF will suffer the losses in the future.

WHEREFORE, Plaintiff, BRANDON JEAN demands judgment for damages against Defendant, DME MEDICAL SUPPLIES & COMPLEX REHAB, INC., f/k/a DME OF AMERICA ONE, INC., in an amount in excess of \$50,000.00, plus taxable costs and attorneys' fees (as allowed by law) and such other relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of foregoing document will be served upon the parties via service of process. Dated: July 9, 2026.

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