

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA

KIMBERLY BONN,

Plaintiff,

CASE NO: 2017 CA 000256

vs.

EL JALISCO SOUTHWOOD
MEXICAN RESTAURANT, INC.,

Defendant.

COMPLAINT

Plaintiff KIMBERLY BONN sues Defendant EL JALISCO SOUTHWOOD MEXICAN RESTAURANT, INC., and alleges:

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorneys' fees.
2. Plaintiff is a natural person residing in Tallahassee, Leon County, Florida.
3. Defendant is a Florida Profit Corporation located at 3197 Merchants Row Boulevard in Tallahassee, Leon County, Florida.
4. On August 31, 2015, Defendant was the owner and in possession and control of a business located at the above address, which operated as a Mexican restaurant, open to the public, including the Plaintiff herein.
5. At that time and place, Plaintiff went on the property as a customer to have dinner, and was therefore, an invitee on the property.
6. Defendant had a duty to maintain its premises, in a reasonably safe condition, and to warn of dangers that Defendant knew or should have known of by the use of reasonable care, and which invitees, including the Plaintiff, were unaware.

7. On the premises at that time and place existed a life-size statue of a donkey, which Defendant permitted and encouraged customers to climb on for entertainment purposes and to take photographs.

8. The statue constituted a dangerous condition for customers such as the Plaintiff because it did not contain a ladder, step, stair or any other safety feature that would assist a person to safely mount, straddle and dismount without an unreasonable risk of falling.

9. Further, the statue did not have a saddle, seat or any other similar device that would safely secure the customer on the back of the donkey statue. Instead, the surface of the statue where a customer would sit was smooth and slick, which Defendant knew or should have known constituted a dangerous condition for customers such as Plaintiff.

10. On August 31, 2015, Plaintiff attempted to climb onto the statue to have her picture taken when she slipped off the back of the statue, falling hard to the floor and sustaining significant injuries, including a fractured spine.

11. Defendant breached its duty owed to Plaintiff by committing the following acts or omissions:

a. Negligently creating a hazard to customers on the premises by providing the statue described above without adequate safety features, thus creating a hazardous condition for the Plaintiff;

b. Negligently failing to maintain or adequately maintain the premises, including the statue described above, thus creating a hazardous condition for the Plaintiff;

c. Negligently failing to inspect or adequately inspect the premises, including the statue described above, to determine that the statue was slick, slippery and constituted a danger for the Plaintiff;

d. Negligently failing to warn or adequately warn the Plaintiff of the dangers involved in climbing on the statue as described above, when the Defendant knew or should have known of the danger and that the Plaintiff was unaware of the danger; and

e. Negligently failing to correct, or adequately correct the dangerous condition of the statue, as described above, thus creating a hazard for the Plaintiff.

12. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earning, loss of the ability to earn money, and aggravation of previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff KIMBERLY BONN sues Defendant EL JALISCO SOUTHWOOD MEXICAN RESTAURANT, INC. for damages and demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 3rd day of February, 2017



James G. Biggart, Esq.
FBN 0037310
Morgan & Morgan
313 N. Monroe St., Suite 401
Tallahassee, FL 32301
Telephone: (850) 329-6895
Facsimile: (850) 270-9006
E-Service: jbiggart@forthepeople.com;
rdodrigal@forthepeople.com;
shosey@forthepeople.com
Attorneys for Plaintiff