

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION
CASE NO: 2019-006437-CA-01

PILAR HUMET, as Personal Representative
of the Estate of JAIME HUMET, deceased,

Plaintiff,

vs.

DADE COUNTY FEDERAL CREDIT UNION, a
Florida credit union,

Defendant.

COMPLAINT

COMES NOW Plaintiff, PILAR HUMET, as Personal Representative of the Estate of JAIME HUMET, by and through undersigned counsel, in accordance with the Florida Rules of Civil Procedure, hereby files this Complaint against Defendant, DADE COUNTY FEDERAL CREDIT UNION, and alleges as follows:

ALLEGATIONS AS TO ALL COUNTS

1. This is an action for damages in excess of Fifteen Thousand Dollars exclusive of interest, costs, and attorney's fees and is being brought pursuant to the Florida Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*
2. Plaintiff, PILAR HUMET, is (or will be) the duly appointed, qualified, and acting Personal Representative of the Estate of JAIME HUMET, and is the proper party bringing this action.
3. Plaintiff, PILAR HUMET, is the natural mother of the decedent, JAIME HUMET.
4. At all material times, Defendant, DADE COUNTY FEDERAL CREDIT UNION, was a

credit union with its principal place of business located at 1500 NW 107th Avenue, Miami, Florida 33172. Further, at all material times, Defendant DADE COUNTY FEDERAL CREDIT UNION was doing business in the State of Florida.

5. At all material times, Defendant DADE COUNTY FEDERAL CREDIT UNION owned, operated, managed, maintained, or controlled the premises located at 20645 NW 2nd Avenue, Miami Gardens, Florida 33169, which is located in Miami-Dade County, Florida (the “subject premises”).
6. At all material times, Defendant, DADE COUNTY FEDERAL CREDIT UNION, was responsible and vicariously liable for the acts and omissions of its agents, employees, representatives, and servants, including but not limited to any security guard and security guard company it hired or retained to provide security at the subject premises.
7. At the date and time of the subject incident, Plaintiff’s Decedent was a lawful invitee at the subject premises.
8. On or about December 10, 2018, Plaintiff’s Decedent, JAIME HUMET, after using an automated teller machine at the subject premises, was criminally assaulted and shot during an attempted armed robbery while exiting the property.
9. Venue is proper in this Court because the incident that gives rise to this Complaint occurred in Miami-Dade County, Florida.

COUNT I
NEGLIGENCE CLAIM AGAINST DADE COUNTY FEDERAL CREDIT UNION

10. Plaintiff readopts and realleges all allegations contained in Paragraphs 1-9.
11. At all material times, Defendant, itself and through its agents and employees, owed a non-delegable duty to its invitees and the public to exercise reasonable and ordinary care to keep and maintain its premises in a condition reasonably safe for use by its invitees and the

public. In particular, Defendant had a non-delegable duty to take such precautions as were reasonably necessary to protect its invitees and the public, including Plaintiff's Decedent, JAIME HUMET, from reasonably foreseeable criminal attacks.

12. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that their premises and areas adjacent thereto were in a high crime area, that there had been numerous criminal acts and attacks perpetrated on the public in said areas, and that criminal acts and attacks were reasonably likely to be perpetrated on Defendant's invitees and the public unless the Defendant took steps to provide proper security for such individuals.
13. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that prior to December 10, 2018, numerous violent criminal acts including, but not limited to, shootings, aggravated assaults, batteries, and robberies had occurred on its premises and areas adjacent thereto.
14. Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including the Plaintiff's Decedent, JAIME HUMET, had it within their power to take the measures necessary to provide for their own security on the premises.
15. In light of the foregoing, at all material times the criminal attack and shooting of Plaintiff's Decedent, JAIME HUMET, was reasonably foreseeable, and Defendant was in a superior position to appreciate such hazards and take necessary steps to prevent harm to its invitees and the public.
16. At the above-referenced time and place, Defendant, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of its

invitees and the public, including Plaintiff's Decedent, JAIME HUMET, and acted in a careless and negligent manner through the following acts of omission or commission:

- A. Failing to provide adequate security for its invitees and the public;
- B. Failing to warn its invitees and the public of the nature and character of its premises 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) had occurred on Defendant's premises and areas adjacent thereto prior to the subject incident;
- C. Failing to warn, protect, guard, and secure the safety of its invitees and of the public;
- D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its invitees and the public;
- E. Failing to hire and/or retain adequate security personnel to patrol and/or monitor the premises, thereby protecting its invitees and the public;
- F. Failing to have a sufficient number of guards in visible areas to deter crime, thereby protecting its invitees and the public;
- G. Failing to have an adequate number of security guards to protect its invitees and the public;
- H. Failing to hire and/or retain competent security guards to protect its tenants, invitees and the public;
- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect its tenants, invitees, and the public;
- J. Failing to provide proper and sufficient lighting for the premises;
- K. Failing to have functional surveillance cameras throughout the premises;
- L. Failing to have an adequate number of surveillance cameras at the premises and surrounding areas, including but not limited to the area of the premises where the subject incident occurred;
- M. Failing to position surveillance cameras in appropriate locations such that the premises and surrounding areas where the subject incident occurred were monitored and/or said cameras would act as a deterrent against criminal activity;
- N. Failing to have and/or maintain surveillance cameras in working condition

such that every camera was able to monitor and record activity in its line of view;

- O. Failing to implement adequate security policies, security measures, and security procedures necessary to protect invitees and the public;
 - P. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
 - Q. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety at the property;
 - R. Failing to provide a reasonably safe structural layout of the property;
 - S. The preceding paragraphs “A” through “R”, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar businesses and properties in the local community;
 - T. Additional acts of negligence not yet discovered.
17. Defendant, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative, the Defendant, did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented said procedures in a careless and negligent manner.
18. At all material times, Defendant, through its agents and employees, negligently failed to hire persons, employees, and/or agents reasonably suited for providing, implementing, and maintaining proper security measures to ensure the safety of its invitees and the public.
19. Defendant, through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions on the subject premises. Further, the Defendant failed to warn its invitees and the public, including but not limited to Plaintiff’s Decedent, JAIME HUMET, of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a length of time in which a reasonable inspection would

have disclosed same.

20. The negligence of the Defendant proximately caused injury to Plaintiff's Decedent, JAIME

HUMET, and directly led to his criminal attack in that:

- A. There was inadequate or nonexistent visible deterrence to prevent said criminal assault;
- B. There was inadequate or nonexistent physical deterrence to prevent said criminal assault;
- C. Criminals could carry out physical assaults on Defendant's premises without fear of being caught, discovered, and prosecuted; and
- D. An atmosphere was created at Defendant's premises that facilitated the commission of crimes against persons.

21. As a direct and proximate result of Defendant's negligence, the Plaintiff's Decedent, JAIME HUMET, suffered great bodily harm on December 10, 2018, from an assault on the subject premises, which caused his death.

22. The Estate of JAIME HUMET and Plaintiff's Decedent's surviving mother, PILAR HUMET, have suffered and will continue to suffer damages into the future. As a result, Plaintiff, PILAR HUMET, as Personal Representative of the Estate of JAIME HUMET, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*, and include the following:

- A. The past and future mental pain and suffering of PILAR HUMET;
- B. The past and future loss of Plaintiff's Decedent's support and services to PILAR HUMET;
- C. The past and future cost of therapy and mental health treatment for PILAR HUMET resulting from her son's death;
- D. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that PILAR HUMET would have otherwise received during Plaintiff's Decedent's life had it not been for his untimely, tragic, and wrongful death;

- E. The expense of medical care and funeral arrangements arising from the injury and death of JAIME HUMET;
- F. The prospective net accumulations of the Estate of JAIME HUMET; and
- G. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiff, PILAR HUMET, as Personal Representative of the Estate of JAIME HUMET, sues Defendant DADE COUNTY FEDERAL CREDIT UNION and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

DEMAND FOR JURY TRIAL

The Plaintiffs demand a trial by jury of all issues triable as of right by a jury.

DATED: March 4, 2019

THE HAGGARD LAW FIRM, PA
Attorneys for Plaintiff
330 Alhambra Circle, First Floor
Coral Gables, Florida 33134
Telephone: 305-446-5700
Facsimile: 305-446-1154

BY: /s/ PEDRO P. ECHARTE, III
PEDRO P. ECHARTE III, ESQ.
ppe@haggardlawfirm.com
FBN: 090454

-and-

Law Offices of Kirshner, Groff & Diaz
Attorneys for Plaintiff
8950 SW 74th Court
Suite 1601, Town Center One
Miami, FL 33156
Tel: (786) 347-5020
Fax: (305) 661-3976

BY: /s/ ANGEL R. DIAZ
ANGEL R. DIAZ, ESQ.
lawyers@kgdfloridalaw.com
FBN: 649732