

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

CASE NO:

OLGA MUN,

Plaintiff,

vs.

**SITE CENTERS CORP. D/B/A
WINTER GARDEN VILLAGE AT
FOWLER GROVES; TARGET
CORPORATION; and THE
SEMBLER COMPANY,**

Defendant.

COMPLAINT

COMES NOW Plaintiff, OLGA MUN, and sues Defendants, SITE CENTERS CORP. D/B/A WINTER GARDEN VILLAGE AT FOWLER GROVES, TARGET CORPORATION, and THE SEMBLER COMPANY, and alleges:

1. This is an action for damages that exceeds the sum of THIRTY THOUSAND DOLLARS (\$30,000.00), exclusive of costs, interest and attorneys' fees (The estimated value of Plaintiff's claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff has entered "\$30,001" in the civil cover sheet for the "estimated amount of the claim" as required in the preamble to the civil cover sheet for *jurisdictional purposes only* (the Florida Supreme Court has ordered that the estimated "amount of claim" be set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff's claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

2. Plaintiff is a natural person residing in Orange County, Florida.

3. At all times material to this action, SITE CENTERS CORP. is an Ohio corporation licensed to do business in the State of Florida.

4. At all times material hereto, Defendant, SITE CENTERS CORP. is a Foreign Profit Corporation licensed to and doing business in the state of Florida, and the owner and/or in control and/or in possession of its business known as Winter Garden Village at Fowler Groves located at 3343 Daniels Rd., Winter Garden, Florida, said business being that of a shopping plaza, open to the general public, including the Plaintiff herein.

5. At all times material hereto, Defendant TARGET CORPORATION is a Foreign Profit Corporation, licensed to and doing business in the state of Florida, and is the lessee and/or owner and/or in control of the premises at issue.

6. At all times material hereto, THE SEMBLER COMPANY is a Florida Profit Corporation, licensed to and doing business in the state of Florida, and is in control and/or owns the premises at issue.

7. On or about December 23, 2019, Plaintiff visited Defendants' premises as described above, as a business invitee for the purpose of shopping at Defendant TARGET CORPORATION located on Defendants' premises.

8. At said time and place, Plaintiff was a guest at the shopping plaza, as described above, lawfully upon the premises of the Defendants, who owed Plaintiff a non-delegable duty to exercise reasonable care for her safety to maintain their premises in a clean and safe condition for all of their business invitees, like the Plaintiff, OLGA MUN.

COUNT I
NEGLIGENCE AGAINST SITE CENTERS CORP. D/B/A WINTER GARDEN
VILLAGE AT FOWLER GROVES

Plaintiff re-alleges and incorporates by reference paragraphs one (1) through eight (8), and further states:

9. At said time and place, Defendant breached its duty owed to Plaintiff by committing one or more of the following omissions or commissions:

- a) Negligently creating a trip hazard to members of the public utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b) Negligently failing to maintain or adequately maintain the parking lot/parking stalls, thus creating a hazardous condition to members of the public utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- c) Negligently failing to inspect or adequately inspect the parking lot/parking stalls, as specified above, to ascertain whether the deviation and/or deficiency of the asphalt parking lot/parking stalls constituted a hazard to pedestrians utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition to the Plaintiff;
- d) Negligently failing to warn or adequately warn the Plaintiff of the danger of the parking lot/parking stalls, when Defendant knew or through the exercise of reasonable care should have known that said parking lot/parking stalls were unreasonably dangerous and that Plaintiff was unaware of same;
- e) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the parking lot/parking stalls on Defendant's premises, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- f) Negligently failing to have adequate staff on duty and/or assigned to the task of inspecting/maintaining the premises/parking lot/parking stalls for dangerous conditions;
- g) Negligently failing to train and/or inadequately training its employees to inspect the premises/parking lot/parking stalls for dangerous conditions;
- h) Negligently failing to follow its own corporate policy(ies) regarding the dangerous condition; and
- i) Negligently failing to act reasonably under the circumstances.

10. As a result, while Plaintiff was visiting Defendant's business, she fell on deviation and/or deficiency of the asphalt parking lot/parking stalls, sustaining injuries as set forth.

11. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, 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, the Plaintiff, OLGA MUN, sues the Defendant, **SITE CENTERS CORP. D/B/A WINTER GARDEN VILLAGE AT FOWLER GROVES**, for damages and demands judgment in excess of Thirty Thousand and One Dollars (\$30,001.00), plus interest and costs, and demands trial by jury of all issues so triable.

COUNT II
NEGLIGENCE AGAINST TARGET CORPORATION

Plaintiff re-alleges and incorporates by reference paragraphs 1 through 8 and further states:

12. At said time and place, Defendant breached its duty owed to Plaintiff by committing one or more of the following omissions or commissions:

- a) Negligently creating a trip hazard to members of the public utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b) Negligently failing to maintain or adequately maintain the parking lot/parking stalls, thus creating a hazardous condition to members of the public utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- c) Negligently failing to inspect or adequately inspect the parking lot/parking stalls, as specified above, to ascertain whether the deviation and/or deficiency of the asphalt parking lot/parking stalls constituted a hazard to pedestrians utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition to the Plaintiff;
- d) Negligently failing to warn or adequately warn the Plaintiff of the danger of the parking lot/parking stalls, when Defendant knew or through the exercise of

reasonable care should have known that said parking lot/parking stalls were unreasonably dangerous and that Plaintiff was unaware of same;

- e) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the parking lot/parking stalls on Defendant's premises, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- f) Negligently failing to have adequate staff on duty and/or assigned to the task of inspecting/maintaining the premises/parking lot/parking stalls for dangerous conditions;
- g) Negligently failing to train and/or inadequately training its employees to inspect the premises/parking lot/parking stalls for dangerous conditions;
- h) Negligently failing to follow its own corporate policy(ies) regarding the dangerous condition; and
- i) Negligently failing to act reasonably under the circumstances.

13. As a result, while Plaintiff was attempting to visit Defendant's business, she fell on deviation and/or deficiency of the asphalt parking lot/parking stalls, sustaining injuries as set forth.

14. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, 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.

15.

WHEREFORE, the Plaintiff, OLGA MUN, sues the Defendant, TARGET CORPORATION, for damages and demands judgment in excess of Thirty Thousand and One Dollars (\$30,001.00), plus interest and costs, and demands trial by jury of all issues so triable.

COUNT III
NEGLIGENCE AGAINST THE SEMBLER COMPANY

Plaintiff re-alleges and incorporates by reference paragraphs one 1 through 8 and further states:

16. At said time and place, Defendant breached its duty owed to Plaintiff by committing one or more of the following omissions or commissions:

- a) Negligently creating a trip hazard to members of the public utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b) Negligently failing to maintain or adequately maintain the parking lot/parking stalls, thus creating a hazardous condition to members of the public utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- c) Negligently failing to inspect or adequately inspect the parking lot/parking stalls, as specified above, to ascertain whether the deviation and/or deficiency of the asphalt parking lot/parking stalls constituted a hazard to pedestrians utilizing said parking lot/parking stalls, including the Plaintiff herein, thus creating an unreasonably dangerous condition to the Plaintiff;
- d) Negligently failing to warn or adequately warn the Plaintiff of the danger of the parking lot/parking stalls, when Defendant knew or through the exercise of reasonable care should have known that said parking lot/parking stalls were unreasonably dangerous and that Plaintiff was unaware of same;
- e) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the parking lot/parking stalls on Defendant's premises, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- f) Negligently failing to have adequate staff on duty and/or assigned to the task of inspecting/maintaining the premises/parking lot/parking stalls for dangerous conditions;
- g) Negligently failing to train and/or inadequately training its employees to inspect the premises/parking lot/parking stalls for dangerous conditions;

h) Negligently failing to follow its own corporate policy(ies) regarding the dangerous condition; and

i) Negligently failing to act reasonably under the circumstances.

17. As a result, while Plaintiff was visiting Defendant's business, she fell on deviation and/or deficiency of the asphalt parking lot/parking stalls, sustaining injuries as set forth.

18. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, 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, the Plaintiff, OLGA MUN, sues the Defendant, THE SEMBLER COMPANY, for damages and demands judgment in excess of Thirty Thousand and One Dollars (\$30,001.00), plus interest and costs, and demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 7th day of January, 2021.

/s/ Matt McKie

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