

Filing # 75581655 E-Filed 07/26/2018 04:57:05 PM

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

CASE NO.:

DANNY MIRANDA

Plaintiff,

vs.

THE COUNTRY CLUB AT
WOODFIELD, INC.

Defendant.

_____ /

COMPLAINT

COMES NOW the Plaintiff, **DANNY MIRANDA**, by and through his undersigned counsel and hereby sues the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, and alleges as follows:

STATEMENT OF JURISDICTION

1. That this is an action for damages in excess of Fifteen Thousand and 00/100 Dollars (\$15,000.00), exclusive of interest and costs.

IDENTIFICATION OF PARTIES

2. That at all times material hereto, the Plaintiff, **DANNY MIRANDA**, was and is a resident of Miami, Miami-Dade County, Florida.

3. That at all times material hereto, the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, was and is a Florida not for Profit Corporation duly licensed to do business in the State of Florida and doing business in Palm Beach County, Florida.

4. That at all times material hereto, the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, owned, operated, maintained and/or otherwise controlled the country club pool and country club pool area, the premises of which are located at 3650 Club Place, in Boca Raton, Palm Beach County, Florida.

COUNT I

NEGLIGENCE CLAIM AGAINST

DEFENDANT, THE COUNTRY CLUB AT WOODFIELD, INC.

Plaintiff adopts, realleges and incorporates by reference paragraphs 1 through 4 and further alleges:

5. That on or about August 30, 2016, the Plaintiff, **DANNY MIRANDA**, was a guest/business invitee of the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, lawfully cleaning the country club pool owned, operated, maintained and/or otherwise controlled by Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, located at or near 3650 Club Place, in Boca Raton, Palm Beach County, Florida.

6. That on or about August 30, 2016, the Plaintiff, **DANNY MIRANDA**, while cleaning the country club pool located at 3650 Club Place, in Boca Raton, Palm Beach County, Florida, encountered loose and broken tiles and coping around the edge of the pool, causing him to fall. The Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, knew or should have known this area of the premises to be dangerous/hazardous and improperly maintained by the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, causing the Plaintiff to fall violently resulting in the injuries described below.

7. That the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, as owner/maintainer/operator/manager of said premises owed a duty of care to all persons, business invitees and guests, including Plaintiff, **DANNY MIRANDA**, to keep the country club pool and country club pool area free from dangerous conditions and hazards of which the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, knew or should have known about.

8. That the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, individually and by and through its agents and employees was careless and negligent and breached its duty to guests/customers/business invitees on the premises described above and more particularly the Plaintiff, **DANNY MIRANDA**, in the following respects:

- (a) Failing to remove/remedy the dangerous condition as set forth above, which the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, knew or should have known of, and/or in the alternative;
- (b) Failing to properly maintain the country club pool and country club pool area and more specifically the tiles/coping surrounding the pool which caused the Plaintiff's fall, which constituted a dangerous condition of the subject country club pool area as set forth above, which the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, knew or should have known of, and/or in the alternative;
- (c) In failing to warn the public, including the Plaintiff, **DANNY MIRANDA**, of the dangerous condition of said area as set forth above, which the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, knew or should have known of;
- (d) In creating said dangerous condition that caused the Plaintiff's fall;
- (e) In failing to properly block off/mark the subject area so as to forewarn persons of the dangerous condition;

- (f) In failing to properly supervise/oversee other companies and their employees working in the subject area;
- (g) In failing to properly hire, train, retain and supervise its employees; and/or
- (h) In other negligent actions to be discovered thru discovery.

9. The Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, individually and by and through its agents, representatives and/or employees knew of the existence of said hazardous conditions, or in the exercise of reasonable care, should have known of the existence of said conditions, or in the alternative created the dangerous conditions as alleged above.

10. As a direct and proximate result of the negligence of the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, Plaintiff, **DANNY MIRANDA**, suffered bodily injury and resulting pain and suffering, disability or physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

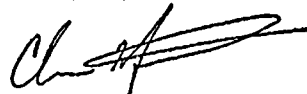
WHEREFORE, Plaintiff, **DANNY MIRANDA**, demands judgment against the Defendant, **THE COUNTRY CLUB AT WOODFIELD, INC.**, in an amount in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00) together with post-judgment interests and lawful costs of this suit and a trial by jury of all issues triable as a matter of right by a jury.

DEMAND FOR JURY TRIAL

Plaintiff, **DANNY MIRANDA**, hereby demand trial by jury of all issues so triable.

Dated this 26th day of July, 2018.

THE MUSTELL LAW FIRM
Attorneys for Plaintiff
Regions Bank Building
3550 Biscayne Boulevard, Suite 406
Miami, FL 33137
Telephone: (305) 572-1000
Facsimile: (305) 573-2224



BY: Electronic Signature
CHARLES MUSTELL, ESQUIRE
FBN: 0823074
Primary Email: cmustell@mustelllaw.com
Secondary Email: eyaya@mustelllaw.com