

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

GENERAL JURISDICTION  
COMPLAINT FOR BATTERY

CURT KOSOW, an individual, }  
Plaintiff, }  
V. }

502019 CA 006237 XXXX ME

Case No.

BRYAN MARCUS WIDEMAN, an individual }  
MAS SECURITY LLC. a corporation }  
BSB Delray LLC dba }  
BUDDHA SKY BAR INC. a corporation }  
Defendants

AG

DEMAND FOR JURY TRIAL

1. Comes Plaintiff, Curt Kosow, ("Plaintiff") who files this civil complaint for battery against all Bryan Marcus Wideman, Mas Security Inc. Buddha Sky Bar Inc. ("Defendants")

I.

JURISDICTION AND VENUE

2. The Plaintiff is an individual and is now, and at all times mentioned in this complaint a resident of Palm Beach County, Florida. has domicile in the State of Florida. This court has proper venue.

3. Defendants is an individual and is now, and at all times mentioned in this complaint a resident of Palm Beach County, Florida and Mas Security Inc. corporate South Florida corporate headquarters is located in Broward County, Florida and the Buddha Sky Bar Inc. in Palm Beach County Florida.

## II.

### GENERAL ALLEGATIONS

4. Plaintiff went to the Buddha Sky Bar on Atlantic Avenue in Delray Beach, Florida at 9:30 p.m. on Saturday, March 2<sup>nd</sup>, 2019. Plaintiff had just come from a bartending shift at the Delray Beach Club where he worked from 4pm--9p.m. Plaintiff has a full appreciation of beverage laws and safety requirements and the sale of alcohol to an intoxicated patron.
5. Plaintiff had a cocktail with his girlfriend, Janet Novack, on the second floor. After talking to two local FAU students about their majors and college life for about one hour, they decided to leave.
6. Plaintiff and girlfriend headed towards the exit so they could take elevator up to the third floor and have sushi as they always do when they occasionally visit the Lounge and Restaurant.
7. Plaintiff approached the beginning of the bar towards the exit and his girlfriend stopped to finish the last sip of her cocktail when security guard/bouncer asked them to move in order to keep entrance way to the bar clear.
8. Plaintiff noticed that there were no customers entering at that time and that the lounge was still unoccupied at 10:45 p.m. and told named individual, Defendant that girlfriend had one sip left of her cocktail and that they were leaving.

9. Defendant without hesitation asked Plaintiff and girlfriend to move immediately and said, "You're not moving fast enough." Plaintiff and girlfriend adhered to the command and moved to the wall opposite the bar so they would not block the pass way in compliance with the security/bouncer's order.
10. Defendant forcefully repeated his order for them to move immediately.
11. Plaintiff looked at Defendant with disbelief and said to Defendant, "I'm moving we will go back to dance floor."
12. Plaintiff turned his back towards Defendant and proceeded back to the empty dance floor where there was more space.
13. Defendant with no reason or threat of harm or malice then struck Plaintiff from behind with a blow to the right side of his head and face. Plaintiff fell immediately down to ground hitting his head on the floor and blood started to pour out over Plaintiff's face.
14. Defendant stood over Plaintiff as other security officers/bouncers came over and asked Plaintiff to leave.
15. Plaintiff and girlfriend walked out the back entrance where upon he requested police.
16. Plaintiff was bleeding from the face as other guests walked out of the bar. A man and his wife came up to Plaintiff and said, "We can't believe he just hit you in the face with his fist from behind. You did nothing wrong, he attacked you." Plaintiff's girlfriend agreed with the couple stating to Plaintiff that you did nothing wrong, that man, "Defendant" just attacked you from behind and hit you with his fist.
17. Plaintiff is recovering from throat cancer. Plaintiff's last cancer treatment was May 2018, about nine months prior to this incident. Plaintiff is still very weak and a frail shell of his former self, having lost over thirty-five pounds due to chemotherapy and 37 radiation treatments to his throat to shrink a cancerous tumor. As a result of

the effects of treatment Plaintiff's ability to eat and swallow are extremely limited and his emaciated body frame and withdrawn facial structure is noticeable and he is not a physical threat.

18. Plaintiff thought he was pushed from behind to the ground, but now realizes he was punched and battered from behind.
19. Plaintiff told his story to the police officers and stated he wanted to press charges because he was battered from behind with no provocation. Plaintiff, a 61year old man, and his girlfriend, age 66, are a very unassuming couple and every few weeks walk down to the lounge from their apartment to have a cocktail then proceed upstairs for a sushi roll, so they can be home by 10:30 to 11 p.m.
20. Plaintiff and girlfriend always went to lounge when it would just open so they could leave before it became busy, established a friendly relationship with the two female bartenders, front door personnel, and other security/bouncers that presided in the lounge area since they were usually the first patrons in the lounge and the first ones to leave.
21. Defendant states Plaintiff became belligerent and was intoxicated, but at no time when police officers were talking to Plaintiff, nor in their police report, does it mention that Plaintiff seemed intoxicated or slurred his speech or showed any signs of intoxication. Plaintiff submits that he was not intoxicated and that it is still difficult to consume liquor due to the burning sensation in his throat from the radiation treatments.
22. Defendant's supervisor, Philip Edward Garvey went around to all other security guards and gave them instructions on what to say including the outside security guard who heard the witness say to Plaintiff that he was punched from behind by Defendant. Plaintiff asked outside security guard if he would repeat this statement to police upon their arrival and he agreed to tell the truth but after being tutored by his supervisor, the outside security guard changed his story.

III.

CAUSES OF ACTION

23. The Plaintiff re-alleges and incorporates all facts and allegations expressed in paragraphs no. 1-22, inclusive, as if alleged and incorporated herein.
24. The Defendant acted, intending to cause harm on the Plaintiff;
25. The Plaintiff did not provoke, make any movements towards, try to push or shove Defendant at any time.
26. The Plaintiff was harmed physically due to Defendant's battery on Plaintiff. Plaintiff required an emergency room visit at the Delray Medical Center the following morning where he was treated for a head injury and facial wounds, cervical strain and a contusion to lower back and was told be aware of the possibility of a concussion and to return to the hospital if he had confusion, dizziness or headaches. Plaintiff did suffer acute dizziness for a ten hour period the following day and laid on his back in bed till he felt better.
27. The Defendant's battery was the overriding factor in causing harm to the Plaintiff.

IV.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

28. The Plaintiff re-alleges and incorporates all facts and allegations expressed in paragraphs no. 1-22, inclusive, as if alleged and incorporated herein.
29. The conduct of the Defendants in this act of battery and the cover up of the incident exceeds all possible bounds of decency and humanity and that which a reasonable person would regard as intolerable in a civilized community.
30. The conduct of Defendants in this act of battery gave Defendant real and or apparent power to affect Plaintiff's interests, and thus led to

plaintiff's emotional distress and that their conduct would likely result in harm due to mental distress.

31. The Defendants intended to cause the Plaintiff emotional distress;
32. The Defendants acted with reckless disregard of the probability that the Plaintiff would suffer emotional distress. Individual Defendant battered Plaintiff in an unheeding manner, while Defendant Mas Security Inc. precipitated a cover up of the battery.
33. The Plaintiff suffered severe emotional distress that was substantial, and that no reasonable person in a civilized society should be expected to bear, including but not limited to suffering, anguish, fright, helplessness, nervousness, grief, anxiety, worry, shock, inferiority, humiliation, and shame;
34. The conduct of the Defendants was a substantial factor in causing the Plaintiff's severe emotional distress for Plaintiff was so distraught over the battery he went to TMS Therapy in Delray Beach to be evaluated by psychologist were attending psychiatrist put him on a prescription of Prozac in order to calm his fears and anxiety.

V.

#### NEGLIGENCE

35. Defendant, Mas Security Inc. failed to properly instruct individual Defendant on how to perform his duties and responsibilities and show proper care to Plaintiff. Defendant Mas Security Inc. had a duty and breached their responsibility by failing to properly instruct and teach individual Defendant the level of care that someone of ordinary prudence would have exercised under the same circumstances.
36. Defendant, Buddha Sky Bar Inc. had a duty and and thus breached their responsibility to properly oversee Mas Security Inc. who they contracted for their security. Defendant Buddha Sky Bar Inc. did not properly secure lounge with cameras and as General Manager, Victor Korobka stated, "there are six cameras in the bar that are positioned

on the cash registers, but none of them are positioned on the entrance way to the bar" thus not being able to provide a video recording of the incident. This would have shown individual Defendant committing battery for no cause against Plaintiff.

37. Buddha Sky Bar Inc. has a legal responsibility to protect its patrons at all times. Installing cameras throughout the nightclub would ensure that the security guards do not abuse their power and act in the best interest of Buddha Sky Bar and their patrons.

VI.

CAUSES FOR PUNITIVE DAMAGES

38. Because the Defendant's conduct was malicious and oppressive, the Plaintiff is entitled to be awarded punitive damages to punish the Defendants for intentional misconduct and gross negligence.

VII.

PRAYER FOR RELIEF

39. WHEREFORE, Plaintiff party for the following relief;
- a) For \$200,000 in general damages in an amount according to proof;
  - b) For non-economic damages for emotional distress
  - c) For punitive damages pursuant to Florida Civ. Code 768.72
  - d) For any other such relief as the court deems proper.

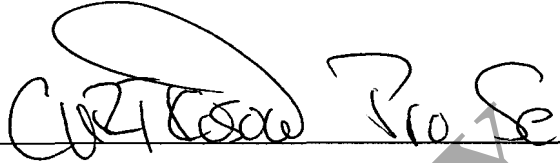
VIII.

DEMAND FOR JURY TRIAL

40. Plaintiff hereby demands that all causes of action be tried before a jury.

Dated this 14th day of May, 2019

Curt Kosow, Pro Se

  
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255 NE 3rd Ave.

Apt 304

Delray Beach, FL 33444

954-708-6052

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