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

DIANA SLONE,

CASE NO.:

Plaintiff,

vs.

BIG TIME RESTAURANT GROUP CORP
d/b/a CITY OYSTER,

Defendant.

COMPLAINT

COMES NOW, Plaintiff, DIANA SLONE (hereinafter "Plaintiff"), by and through the undersigned counsel, hereby sues the Defendant, BIG TIME RESTAURANT GROUP CORP. (hereinafter "BIG TIME"), as follows:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifteen Thousand (\$15,000.00) Dollars and is within the jurisdiction of this Court.
2. That at all times material hereto the negligent acts were committed in Palm Beach County, State of Florida, and are otherwise *sui juris*.
3. That at all times material hereto BIG TIME was and is a Florida Profit Corporation duly licensed and authorized to do business in Palm Beach County, Florida.
4. That at all times material hereto, the Defendant BIG TIME owned, possessed and/or otherwise was in control of the property known as City Oyster, located at or near 213 E Atlantic Ave, Delray Beach, Palm Beach County, Florida.

COUNT I – NEGLIGENCE

5. Plaintiff re-alleges the allegations contained in paragraphs 1 through 4 as if fully set forth herein.
6. That on or about September 25, 2017, while Plaintiff was eating at Defendant BIG TIME's restaurant, she ingested improperly stored oysters, causing her to get ill.

7. That at all times stated herein, the Plaintiff was an invitee of the Defendant, BIG TIME, and conducted herself in a reasonable and prudent manner for her own safety.

8. That at all times stated herein, the Defendant, BIG TIME, owed a duty of care to the Plaintiff to properly store its oysters, to inspect its facility for any dangerous conditions, and to warn of any dangerous conditions.

9. The defendant BIG TIME, breached this duty by failing to properly store its oysters and/or failing to inspect its facilities for any dangerous conditions.

10. As a result of the defendant BIG TIME's breach, plaintiff consumed improperly stored oysters and became violently ill.

11. That as a further direct and proximate result of the negligence of the Defendant, BIG TIME, the Plaintiff has in the past and will in the future suffer disability, disfigurement, pain and suffering, mental anguish, loss of capacity for the enjoyment of life, loss of income, loss of earning capacity, medical expenses, hospitalization expenses, therapy expenses, diagnostic expenses, nursing expenses, and/or aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff demands judgment against the Defendant, BIG TIME, in an amount in excess of Fifteen Thousand (\$15,000.00) Dollars, exclusive of interest and costs and any other relief this Court deems reasonable.

DEMAND FOR JURY TRIAL

The Plaintiff in the above-styled cause hereby demand a trial by jury of all of the issues triable by right.

Dated: June 18, 2019

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