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

CIVIL DIVISION

CASE NO.:

KAREN SOMMERS and KEITH
SOMMERS, her husband,

Plaintiffs,

v.

ADDISON RESERVE MASTER PROPERTY
OWNERS ASSOCIATION, INC.

Defendant.

_____ /

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiffs, KAREN SOMMERS, and KEITH SOMMERS, her husband, sue the Defendant, ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC., and state as follows:

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

2. Defendant, ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC. is a Florida corporation, at all times material hereto, doing business in Palm Beach County, Florida and acted by and through its employees, agents and apparent agents, all of whom acted within the course and scope of such. Further, Defendant, ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC., caused to be placed on its roadways speed bumps including the area at or near Addison Reserve Drive and Maddalena Place.

*Deutsch Blumberg
& Caballero, P.A.*

NEW WORLD TOWER • 100 N. BISCAYNE BOULEVARD, SUITE 2802 • MIAMI, FLORIDA 33132 • TEL (305) 358-6329

3. On or about November 11, 2018, Plaintiff KAREN SOMMERS was riding her bicycle near the intersection of Addison Reserve Drive and Maddalena Place as an invitee when she, in traversing the road, encountered the Defendant ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC.'S speed bump which caused her to fall from her bicycle, injuring herself.

4. Defendant, ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC., had a duty to place and to maintain said roadways and intersection in a safe condition including the said speed bumps.

5. At all pertinent times, Defendant, ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC., breached said duty by negligently placing and maintaining said speed bump in that the speed bump was inherently dangerous to bicyclists such as the Plaintiff KAREN SOMMERS in keeping their balance and further, Defendant ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC. was further negligent by virtue of the speed bumps being placed and maintained in a dangerously elevated condition, which was hazardous to Plaintiff in traversing said speed bump on her bicycle. Further, Defendant ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC. was negligent in that it failed to properly warn Plaintiff KAREN SOMMERS of the dangerous condition of the overly elevated speed bump by failing to identify the elevated nature of the speed bump with a proper warning such as yellow paint on the speed bump. The dangerous and hazardous condition of this speed bump was known to Defendant but unknown and latent to the Plaintiff.

6. As a direct and proximate result of the above-mentioned negligence and breach of duty, the Plaintiff KAREN SOMMERS was injured in and about her body and extremities, suffered aggravation of pre-existing conditions, suffered pain therefrom, suffered disability and physical

*Deutsch Blumberg
& Caballero, P.A.*

impairment, suffered mental pain and suffering, incurred medical expenses in the treatment of her injuries, suffered physical handicap, she lost earnings in the past and the ability to earn money in the future, her capacity to enjoy life was impaired and suffered a permanent injury within a reasonably degree of medical probability, her injuries are permanent and continuing and Plaintiff will suffer losses and impairment in the future.

7. That Plaintiffs, KAREN SOMMERS and KEITH SOMMERS, are lawful husband and wife at all pertinent times. Due to the acts above, Plaintiff KEITH SOMMERS has suffered and will permanently suffer in the future, loss of consortium, services and society of his wife.

WHEREFORE, Plaintiffs, KAREN SOMMERS and KEITH SOMMERS, her husband, demand judgment against the Defendant, ADDISON RESERVE MASTER PROPERTY OWNERS ASSOCIATION, INC., for compensatory damages, costs, interest on liquidated damages, and all other relief the Court deems just and proper and requests trial by jury.

Dated this 25th day of July, 2019.

**DEUTSCH BLUMBERG
& CABALLERO, P.A.**

Attorneys for Plaintiffs

100 BISCAYNE, Suite 2802

100 North Biscayne Boulevard

Miami, Florida 33132

Tel: 305-358-6329

Fax: 305-358-9304

Email: bblumberg@deutschblumberg.com;

rmitchell@deutschblumberg.com;

jflorin@deutschblumberg.com

By: s/ Robert Blumberg

Robert Blumberg, Esq.

Florida Bar No. 111371

*Deutsch Blumberg
& Caballero, P.A.*