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

CASE NO.

CHARLOTTE BARRY

Plaintiff

vs.

COMPLAINT

BARNES & NOBLE COLLEGE BOOKSELLERS LLC,

a foreign limited liability company;

BARNES & NOBLE COLLEGE BOOKSELLERS Inc.,

a foreign corporation, ;

BARNES & NOBLE EDUCATION LLC.

A foreign limited liability company;

BARNES & NOBLE EDUCATION INC.

a foreign corporation

Defendants

COMPLAINT FOR DAMAGES

COMES NOW, the Plaintiff, CHARLOTTE BARRY, by and through her undersigned counsel, and hereby sue the Defendant, BARNES & NOBLE COLLEGE BOOKSELLERS LLC; BARNES & NOBLE COLLEGE BOOKSELLERS Inc.; BARNES & NOBLE EDUCATION LLC; BARNES & NOBLE EDUCATION INC., (herein after collectively referred to as "BARNES & NOBLE) for damages and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceeds FIFTEEN THOUSAND and 00/100 (\$15,000.00) DOLLARS, exclusive of interests and costs, and this Court has jurisdiction.
2. All times material hereto, Plaintiff, CHARLOTTE BARRY was and is a resident of the State of Florida, County of Palm Beach, and sui juris in all respects.

3. At all times material hereto Defendant, BARNES & NOBLE COLLEGE BOOKSELLERS LLC, was a foreign limited liability company, licensed to do business in the State of Florida and was doing business as BARNES & NOBLE on the Florida Atlantic University campus bookstore in Palm Beach County, Florida.
4. At all times material hereto Defendant, BARNES & NOBLE EDUCATION INC, was a foreign corporation, doing business in the State of Florida as BARNES & NOBLE bookstore at the Florida Atlantic University campus bookstore in Palm Beach County, Florida.
5. At all times material hereto Defendant, BARNES & NOBLE EDUCATION LLC, was a foreign limited liability company, doing business in the State of Florida, as BARNES & NOBLE bookstore on the Florida Atlantic University campus bookstore in Palm Beach County, Florida.
6. At all times material hereto Defendant, BARNES & NOBLE COLLEGE BOOKSELLERS INC, was an inactive foreign corporation, doing business in the State of Florida as BARNES & NOBLE bookstore on the Florida Atlantic University campus bookstore in Palm Beach County, Florida.
7. That on August 22, 2015, the Defendant, BARNES & NOBLE, had possession dominion and control of the Florida Atlantic University (FAU) campus bookstore located at 777 Glades Road, Boca Raton, Palm Beach County, Florida 33431.
8. That on August 22, 2015, the Plaintiff, CHARLOTTE BARRY, while a customer/business invitee, on the above-described property, was injured when she tripped and fell over a low level, empty, end-cap shelve, that protruded out into the walking area isle of the Defendant bookstore.

NEGLIGENCE CLAIM AGAINST BARNES & NOBLE

Plaintiff, CHARLOTTE BARRY, reavers and realleges each and every allegation contained in the General Allegations contained in paragraph 1-8 as set forth above and further alleges:

9. At all times, relevant, the Defendant, BARNES & NOBLE, owed a non-delegable duty to its business invitees, such as the Plaintiff, CHARLOTTE BARRY, to keep their premises in a reasonably safe condition and to provide adequate warning of hazards that may exist to their business invitees, such as Plaintiff, CHARLOTTE BARRY.
10. That the Defendant, BARNES, by and through its authorized agents, breached said duty of care owed to Plaintiff, CHARLOTTE BARRY, by committing the following negligent act:
 - a. in creating a dangerous and/or hazardous condition;
 - b. in failing to remedy a dangerous and/or hazardous condition it knew or should have known existed;
 - c. in failing to properly maintain the subject property in a safe condition;
 - d. in failing to warn the Plaintiff of the dangerous and/or hazardous condition;
 - e. in failing to adequately, properly and sufficiently inspect the subject premises for the existence of such dangerous/hazardous conditions;
 - f. in allowing a low level, bare end-cap shelve to stick out into the walking area aisle in a dangerous manner, as to cause a tripping hazard to its customers/invitees, such as Plaintiff, CHARLOTTE BARRY;
11. As a direct, proximate and foreseeable result of the negligence of the Defendant, BARNES & NOBLE, the Plaintiff, CHARLOTTE BARRY, was injured in and about her body, and/or aggravated a pre-existing condition or injury, suffered

mental anguish therefrom, suffered pain therefrom, incurred hospital expenses and incurred medical and related expenses in the treatment of his injuries, suffered physical handicap, suffered scarring and disfigurement, suffered surgery, suffered psychological and emotional injuries, suffered loss of wages and her working ability and earning capacity was impaired and lost the capacity for the enjoyment of life.

12. In that the injuries suffered by the Plaintiff, CHARLOTTE BARRY, are continuing in nature, she will continue to suffer pain, disfigurement, scarring, psychological and emotional injuries, physical handicap and permanent injury in the future, loss of wages and earning capacity, and will be further be compelled to expend great sums of money for medical care and related treatment for those injuries, and will continue to suffer the loss of the capacity for the enjoyment of life.

WHEREFORE, the Plaintiff, CHARLOTTE BARRY, demands judgment for compensatory damages against the Defendant, BARNES & NOBLE, together with costs, interest and any other relief, as of right by a jury.

TRIAL BY JURY

Plaintiff, CHARLOTTE BARRY, demands trial by jury of all issues so triable as of right.

DATED this August 2, 2019, 2019.

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