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

CASE NO.:

LAURA BERMAN, Individually and as
Personal Representative of the Estate of
JARRET BERMAN, deceased

Plaintiffs,

v.

G.L. HOMES OF FLORIDA CORPORATION,
DAKOTA HOMEOWNER'S
ASSOCIATION, INC., GRS MANAGEMENT
ASSOCIATES, INC., and 441 ACQUISITION LLC,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, LAURA BERMAN, Individually and as Personal Representative of the Estate of JARRET BERMAN, by and through undersigned counsel, sues Defendants, G.L. HOMES OF FLORIDA CORPORATION, DAKOTA HOMEOWNER'S ASSOCIATION, INC., GRS MANAGEMENT ASSOCIATES, INC., and, 441 ACQUISITION LLC, and alleges:

JURISDICTIONAL ALLEGATIONS

1. This is an action for damages in excess of the sum of Thirty Thousand (\$30,000.00) Dollars, exclusive of interest and costs.
2. Plaintiff, LAURA BERMAN, at all times material hereto, was and is a resident of Palm Beach County, Florida, and was the lawful wife of JARRET BERMAN, deceased.
3. At all times material hereto, Plaintiff, LAURA BERMAN, is or will be appointed the Personal Representative of the Estate of Jarret Berman.
4. Defendant, G.L. HOMES CORPORATION, at all times material hereto, was and is a

Florida for profit corporation with its principal place of business at 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida and which owned, controlled, and/or managed the DAKOTA development in Delray Beach, Palm Beach County, Florida.

5. Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., at all times material hereto, was and is a Florida for profit corporation with its principal place of business at 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida and which owned, controlled, and or managed the DAKOTA development in Boynton Beach, Palm Beach County, Florida.

6. Defendant, GRS MANAGEMENT ASSOCIATES, INC., at all times material hereto, was and is a Florida for profit corporation with its principal place of business at 3900 Woodlake Boulevard, Suite 309, Lake Worth, Palm Beach, Florida and which owned, controlled, and or managed the DAKOTA development in Delray Beach, Palm Beach County, Florida.

7. Defendant, 441 ACQUISITION LLC, at all times material hereto, was and is a Florida for profit corporation with its principal place of business at 1600 Sawgrass Corporate Parkway, Suite 400, Sunrise, Florida and which owned, controlled, and or managed the DAKOTA Development in Delray Beach, Palm Beach County, Florida.

GENERAL & FACTUAL ALLEGATIONS

8. At the time of the subject incident, Plaintiff, LAURA BERMAN, and her deceased husband, JARRET BERMAN, along with their three daughters, resided in the DAKOTA development in Delray Beach, Florida.

9. The DAKOTA development was developed and marketed heavily by Defendant, GL HOMES OF FLORIDA CORPORATION.

10. Defendant, GL HOMES OF FLORIDA CORPORATION, invited residents and potential residents to "Experience the Lifestyle" afforded by the DAKOTA development.

11. Defendant, GL HOMES OF FLORIDA CORPORATION, built an “upscale Clubhouse” in the DAKOTA development which included, among other things, a fitness room with exercise equipment, an aerobics room, and an indoor basketball court, for residents to use.

12. On June 12, 2019 JARRET BERMAN was playing basketball in the DAKOTA clubhouse when he collapsed due to a heart attack and ultimately died.

13. It took 13 minutes for Palm Beach County Fire Rescue to arrive to the scene of JARRET BERMAN’s sudden cardiac arrest in the DAKOTA development.

14. When Palm Beach County Fire Rescue arrived JARRET BERMAN had a shockable heart rhythm. Therefore, a normal rhythm could have been restored with appropriate and timely medical care/treatment.

15. Defendants knew, or should have known, that DAKOTA was located a substantial distance away from the nearest Fire Rescue station and that in the event of emergency it would take rescue personnel an unusually long period of time to respond to the development.

16. It was reasonably foreseeable that a resident and/or other individual in the DAKOTA Clubhouse would possibly suffer a cardiac arrest while on the premises.

17. Defendants did not have any life-saving equipment on the subject premises.

18. Defendants did, however, place life-saving equipment on other similar residential facilities in other communities owned, operated and/or controlled by Defendants in Palm Beach County and throughout Florida.

19. By failing to have accessible life-saving equipment on the subject premises, and/or by failing to adequately train its staff in the use of life-saving equipment, Defendants disregarded the applicable standard of care for the provision of emergency first aid and/or guest/patron protection in places of public accommodation or assembly, to their guests/patrons or employees who suffer a

sudden cardiac arrest.

20. Defendants further failed to implement any reasonable emergency response plan despite understanding and appreciating the likelihood of a sudden cardiac event occurring on the subject premises.

21. Properly and timely administered medical care/treatment would have resulted in JARRET BERMAN surviving his sudden cardiac arrest.

**COUNT I: WRONGFUL DEATH AND NEGLIGENCE AGAINST
DEFENDANT, G.L. HOMES OF FLORIDA CORPORATION**

Plaintiff reasserts and realleges paragraphs 1 through 21 above as if fully set forth herein, and states:

22. At all times material herein Defendant, G.L. HOMES OF FLORIDA CORPORATION, owed a duty to the decedent, JARRET BERMAN, to maintain the subject premises in a reasonably safe condition, to refrain from conduct which would injure him, and/or to exercise reasonable care for the safety and protection of invitees, including JARRET BERMAN, in the event of a medical emergency.

23. Defendant, G.L. HOMES OF FLORIDA CORPORATION, by and through its employees or agents, knew or in the exercise of reasonable care, should have known that incidence of sudden cardiac arrest, including JARRET BERMAN's, were reasonably likely to occur in the DAKOTA Clubhouse.

24. JARRET BERMAN's sudden cardiac arrest was foreseeable.

25. Defendant, G.L. HOMES OF FLORIDA CORPORATION, its agents, officers and/or employees, breached the duties owed to invitees, including JARRET BERMAN, by doing or failing to do one or more of the following:

- (a) By carelessly and/or negligently failing to perform, implement and execute a risk assessment of the subject premises, including the DAKOTA clubhouse; and/or
- (b) By carelessly and/or negligently failing to enact policies, procedures and/or protocols to respond to foreseeable emergency situations occurring on the subject premises, including the DAKOTA clubhouse; and/or
- (c) By carelessly and/or negligently failing to develop, implement and update a reasonable cardiac emergency response plan for the subject premises, including the DAKOTA clubhouse; and/or
- (d) By carelessly and/or negligently failing to monitor the surveillance video cameras located on the basketball court at the DAKOTA clubhouse; and/or
- (e) By carelessly and/or negligently failing to train employees with adequate health and/or safety training; and/or
- (f) By carelessly and/or negligently failing to provide life-saving equipment onsite and available in the event of a sudden cardiac emergency; and/or
- (g) By carelessly and/or negligently failing to take reasonable actions to secure first aid for individuals who suffer sudden cardiac emergencies on the subject premises, including the DAKOTA clubhouse; and/or
- (h) By carelessly and/or negligently failing to comply with industry standards regarding life-saving measures in the event of sudden cardiac emergencies; and/or
- (i) Were otherwise careless and/or negligent in a manner that will be revealed in discovery.

26. As a direct and proximate result of the negligence of Defendant, G.L. HOMES OF FLORIDA CORPORATION, as alleged above, JARRET BERMAN suffered a sudden cardiac arrest playing basketball in the DAKOTA clubhouse on June 12, 2019 and died.

27. As a further direct and proximate result of the negligence of Defendant, G.L. HOMES OF FLORIDA CORPORATION, as hereinabove alleged, resulting in the death of JARRET BERMAN, Plaintiff, LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, has in the past suffered and will in the future suffer the following damages:

- (a) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of the decedent's Estate, sues Defendant for medical, funeral and burial expenses that have become a charge against the Estate and/or have been paid on behalf of the decedent;
- (b) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of LAURA BERMAN, surviving wife of JARRET BERMAN, sues Defendant for the loss of her husband's support and services from the date of her husband's death, for the loss of her husband's companionship and protection, and for her own mental pain and suffering as a result of her beloved husband's death;
- (c) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of SKYLAR BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death;
- (d) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of ALEXA BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death; and,
- (e) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of DEVYN BERMAN, surviving daughter of JARRET

BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death.

WHEREFORE, Plaintiff, LAURA BERMAN, demands judgment against Defendant, G.L. HOMES OF FLORIDA CORPORATION, for damages in excess of Thirty Thousand (\$30,000.00) Dollars exclusive of interest and costs. Plaintiff further demands a trial by jury.

COUNT II: WRONGFUL DEATH AND NEGLIGENCE AGAINST DEFENDANT, DAKOTA HOMEOWNER'S ASSOCIATION, INC.

Plaintiff reasserts and realleges paragraphs 1 through 21 above as if fully set forth herein, and states:

28. At all times material herein Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., owed a duty to the decedent, JARRET BERMAN, to maintain the subject premises in a reasonably safe condition, to refrain from conduct which would injure him, and/or to exercise reasonable care for the safety and protection of invitees, including JARRET BERMAN, in the event of a medical emergency.

29. Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., by and through its employees or agents, knew or in the exercise of reasonable care, should have known that incidence of sudden cardiac arrest, including JARRET BERMAN's, were reasonably likely to occur in the DAKOTA Clubhouse.

30. JARRET BERMAN's sudden cardiac arrest was foreseeable.

31. Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., its agents, officers and/or employees, breached the duties owed to invitees, including JARRET BERMAN, by doing or failing to do one or more of the following:

- (d) By carelessly and/or negligently failing to perform, implement and execute a risk assessment of the subject premises, including the DAKOTA clubhouse; and/or
- (e) By carelessly and/or negligently failing to enact policies, procedures and/or protocols to respond to foreseeable emergency situations occurring on the subject premises, including the DAKOTA clubhouse; and/or
- (f) By carelessly and/or negligently failing to develop, implement and update a reasonable cardiac emergency response plan for the subject premises, including the DAKOTA clubhouse; and/or
- (d) By carelessly and/or negligently failing to monitor the surveillance video cameras located on the basketball court at the DAKOTA clubhouse; and/or
- (e) By carelessly and/or negligently failing to train employees with adequate health and/or safety training; and/or
- (f) By carelessly and/or negligently failing to provide life-saving equipment onsite and available in the event of a sudden cardiac emergency; and/or
- (g) By carelessly and/or negligently failing to take reasonable actions to secure first aid for individuals who suffer sudden cardiac emergencies on the subject premises, including the DAKOTA clubhouse; and/or
- (h) By carelessly and/or negligently failing to comply with industry standards regarding life-saving measures in the event of sudden cardiac emergencies; and/or
- (i) Were otherwise careless and/or negligent in a manner that will be revealed in discovery.

32. As a direct and proximate result of the negligence of Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., as alleged above, JARRET BERMAN suffered a sudden cardiac arrest playing basketball in the DAKOTA clubhouse on June 12, 2019 and died.

33. As a further direct and proximate result of the negligence of Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., as hereinabove alleged, resulting in the death of JARRET BERMAN, Plaintiff, LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, has in the past suffered and will in the future suffer the following damages:

- (a) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of the decedent's Estate, sues Defendant for medical, funeral and burial expenses that have become a charge against the Estate and/or have been paid on behalf of the decedent;
- (b) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of LAURA BERMAN, surviving wife of JARRET BERMAN, sues Defendant for the loss of her husband's support and services from the date of her husband's death, for the loss of her husband's companionship and protection, and for her own mental pain and suffering as a result of her beloved husband's death;
- (c) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of SKYLAR BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death;
- (d) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of ALEXA BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death; and,
- (e) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of DEVYN BERMAN, surviving daughter of JARRET

BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death.

WHEREFORE, Plaintiff, LAURA BERMAN, demands judgment against Defendant, DAKOTA HOMEOWNER'S ASSOCIATION, INC., for damages in excess of Thirty Thousand (\$30,000.00) Dollars exclusive of interest and costs. Plaintiff further demands a trial by jury.

COUNT III: WRONGFUL DEATH AND NEGLIGENCE AGAINST DEFENDANT, GRS MANAGEMENT ASSOCIATES, INC.

Plaintiff reasserts and realleges paragraphs 1 through 21 above as if fully set forth herein, and states:

34. At all times material herein Defendant, GRS MANAGEMENT ASSOCIATES, INC., owed a duty to the decedent, JARRET BERMAN, to maintain the subject premises in a reasonably safe condition, to refrain from conduct which would injure him, and/or to exercise reasonable care for the safety and protection of invitees, including JARRET BERMAN, in the event of a medical emergency.

35. Defendant, GRS MANAGEMENT ASSOCIATES, INC., by and through its employees or agents, knew or in the exercise of reasonable care, should have known that incidence of sudden cardiac arrest, including JARRET BERMAN's, were reasonably likely to occur in the DAKOTA Clubhouse.

36. JARRET BERMAN's sudden cardiac arrest was foreseeable.

37. Defendant, GRS MANAGEMENT ASSOCIATES, INC., its agents, officers and/or employees, breached the duties owed to invitees, including JARRET BERMAN, by doing or failing to do one or more of the following:

- (g) By carelessly and/or negligently failing to perform, implement and execute a risk assessment of the subject premises, including the DAKOTA clubhouse; and/or
- (h) By carelessly and/or negligently failing to enact policies, procedures and/or protocols to respond to foreseeable emergency situations occurring on the subject premises, including the DAKOTA clubhouse; and/or
- (i) By carelessly and/or negligently failing to develop, implement and update a reasonable cardiac emergency response plan for the subject premises, including the DAKOTA clubhouse; and/or
- (d) By carelessly and/or negligently failing to monitor the surveillance video cameras located on the basketball court at the DAKOTA clubhouse; and/or
- (e) By carelessly and/or negligently failing to train employees with adequate health and/or safety training; and/or
- (f) By carelessly and/or negligently failing to provide life-saving equipment onsite and available in the event of a sudden cardiac emergency; and/or
- (g) By carelessly and/or negligently failing to take reasonable actions to secure first aid for individuals who suffer sudden cardiac emergencies on the subject premises, including the DAKOTA clubhouse; and/or
- (h) By carelessly and/or negligently failing to comply with industry standards regarding life-saving measures in the event of sudden cardiac emergencies; and/or
- (i) Were otherwise careless and/or negligent in a manner that will be revealed in discovery.

38. As a direct and proximate result of the negligence of Defendant, GRS MANAGEMENT ASSOCIATES, INC., as alleged above, JARRET BERMAN suffered a sudden cardiac arrest playing basketball in the DAKOTA clubhouse on June 12, 2019 and died.

39. As a further direct and proximate result of the negligence of Defendant, GRS MANAGEMENT ASSOCIATES, INC., as hereinabove alleged, resulting in the death of JARRET BERMAN, Plaintiff, LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, has in the past suffered and will in the future suffer the following damages:

- (a) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of the decedent's Estate, sues Defendant for medical, funeral and burial expenses that have become a charge against the Estate and/or have been paid on behalf of the decedent;
- (b) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of LAURA BERMAN, surviving wife of JARRET BERMAN, sues Defendant for the loss of her husband's support and services from the date of her husband's death, for the loss of her husband's companionship and protection, and for her own mental pain and suffering as a result of her beloved husband's death;
- (c) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of SKYLAR BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death;
- (d) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of ALEXA BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death; and,
- (e) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of DEVYN BERMAN, surviving daughter of JARRET

BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death.

WHEREFORE, Plaintiff, LAURA BERMAN, demands judgment against Defendant, GRS MANAGEMENT ASSOCIATES, INC., for damages in excess of Thirty Thousand (\$30,000.00) Dollars exclusive of interest and costs. Plaintiff further demands a trial by jury.

**COUNT IV: WRONGFUL DEATH AND NEGLIGENCE AGAINST
DEFENDANT, 441 ACQUISITION LLC**

Plaintiff reasserts and realleges paragraphs 1 through 21 above as if fully set forth herein, and states:

40. At all times material herein Defendant, 441 ACQUISITION LLC, owed a duty to the decedent, JARRET BERMAN, to maintain the subject premises in a reasonably safe condition, to refrain from conduct which would injure him, and/or to exercise reasonable care for the safety and protection of invitees, including JARRET BERMAN, in the event of a medical emergency.

41. Defendant, 441 ACQUISITION LLC, by and through its employees or agents, knew or in the exercise of reasonable care, should have known that incidence of sudden cardiac arrest, including JARRET BERMAN's, were reasonably likely to occur in the DAKOTA Clubhouse.

42. JARRET BERMAN's sudden cardiac arrest was foreseeable.

43. Defendant, 441 ACQUISITION LLC, its agents, officers and/or employees, breached the duties owed to invitees, including JARRET BERMAN, by doing or failing to do one or more of the following:

- (j) By carelessly and/or negligently failing to perform, implement and execute a risk assessment of the subject premises, including the DAKOTA clubhouse; and/or

- (k) By carelessly and/or negligently failing to enact policies, procedures and/or protocols to respond to foreseeable emergency situations occurring on the subject premises, including the DAKOTA clubhouse; and/or
- (l) By carelessly and/or negligently failing to develop, implement and update a reasonable cardiac emergency response plan for the subject premises, including the DAKOTA clubhouse; and/or
- (d) By carelessly and/or negligently failing to monitor the surveillance video cameras located on the basketball court at the DAKOTA clubhouse; and/or
- (e) By carelessly and/or negligently failing to train employees with adequate health and/or safety training; and/or
- (f) By carelessly and/or negligently failing to provide life-saving equipment onsite and available in the event of a sudden cardiac emergency; and/or
- (g) By carelessly and/or negligently failing to take reasonable actions to secure first aid for individuals who suffer sudden cardiac emergencies on the subject premises, including the DAKOTA clubhouse; and/or
- (h) By carelessly and/or negligently failing to comply with industry standards regarding life-saving measures in the event of sudden cardiac emergencies; and/or
- (i) Were otherwise careless and/or negligent in a manner that will be revealed in discovery.

44. As a direct and proximate result of the negligence of Defendant, 441 ACQUISITION LLC, as alleged above, JARRET BERMAN suffered a sudden cardiac arrest playing basketball in the DAKOTA clubhouse on June 12, 2019 and died.

45. As a further direct and proximate result of the negligence of Defendant, 441 ACQUISITION LLC, as hereinabove alleged, resulting in the death of JARRET BERMAN, Plaintiff, LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, has

in the past suffered and will in the future suffer the following damages:

- (a) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of the decedent's Estate, sues Defendant for medical, funeral and burial expenses that have become a charge against the Estate and/or have been paid on behalf of the decedent;
- (b) LAURA BERMAN, as Personal Representative of the Estate of her beloved husband, JARRET BERMAN, on behalf of LAURA BERMAN, surviving wife of JARRET BERMAN, sues Defendant for the loss of her husband's support and services from the date of her husband's death, for the loss of her husband's companionship and protection, and for her own mental pain and suffering as a result of her beloved husband's death;
- (c) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of SKYLAR BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death;
- (d) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of ALEXA BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death; and,
- (e) LAURA BERMAN, as Personal Representative of the Estate of JARRET BERMAN, on behalf of DEVYN BERMAN, surviving daughter of JARRET BERMAN, sues Defendant for the loss of her father's support and services from the date of her father's death, for the loss of her father's companionship and protection, and for her own mental pain and suffering as a result of her beloved father's death.

WHEREFORE, Plaintiff, LAURA BERMAN, demands judgment against Defendant, 441 ACQUISITION LLC, for damages in excess of Thirty Thousand (\$30,000.00) Dollars exclusive of interest and costs. Plaintiff further demands a trial by jury.

DATED: January 10, 2020.

GOLD & GOLD, P.A.

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By: /s/

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