

Filing # 122647275 E-Filed 03/08/2021 09:58:04 AM

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

DOUGLAS KELLY,

Plaintiff,  
vs.

Case No:

PUBLIX SUPER MARKETS, INC., a  
Florida profit corporation,

Defendant.

COMPLAINT

Plaintiff, DOUGLAS KELLY, sues Defendant, PUBLIX SUPER MARKETS, INC., a Florida profit corporation (hereinafter "PUBLIX"), and states the following:

1. This is a cause of action for damages in excess of \$30,000.00.
2. All conditions precedent to filing this action have been complied with, expired, and/or waived.
3. The incident described herein occurred in Palm Beach County, Florida.
4. On or about July 5, 2019, Defendant, PUBLIX, was in possession and control of the premises at 4966 Le Chalet Boulevard in Boynton Beach, Palm Beach County, Florida, which Defendant operates as a grocery store.
5. At that time and place, Plaintiff, DOUGLAS KELLY, was an invitee lawfully on the premises described above.
6. At that time and place, a PUBLIX employee walked into/hit Plaintiff, DOUGLAS KELLY, from behind which startled the Plaintiff and caused him to fall to the floor.
7. At all times material hereto, the employee was acting in the course and scope of his employment with Defendant, PUBLIX. Accordingly, Defendant, PUBLIX, is vicariously liable for its employee's negligence.
8. At all times material hereto, the employee had a duty to take reasonable measures to ensure the safety of customers in the store, to keep a proper lookout while walking through the store, and to otherwise use reasonable care.

9. The employee breached these duties by failing to maintain a proper lookout while walking through the store, negligently walking into/striking the Plaintiff from behind, and causing the Plaintiff to fall to the floor.

10. As the direct and proximate result of the negligence of Defendant's employee, Plaintiff, DOUGLAS KELLY, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

**WHEREFORE**, Plaintiff, DOUGLAS KELLY, demands judgment for damages against Defendant, PUBLIX.

Plaintiff demands trial by jury on all issues so triable.

Respectfully submitted this 8<sup>th</sup> day of March, 2021.

By: s/ Tavis Souder

**TAVIS SOUDER**

Attorney Email: [tsouder@schwedlawfirm.com](mailto:tsouder@schwedlawfirm.com)

**Eservice Email: [eservice@schwedlawfirm.com](mailto:eservice@schwedlawfirm.com)**

Bar Number: 37859

Attorneys for Plaintiff

Schwed, Adams & McGinley, P.A.

7111 Fairway Drive, Suite 105

Palm Beach Gardens, Florida 33418

Telephone: (561) 694-6079

Facsimile: (561) 694-6089