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

NATALIE GOLDHABER,

CASE NO.:

Plaintiff,
vs.

REGAL CINEMAS, INC.,

Defendant.

COMPLAINT

Plaintiff, NATALIE GOLDHABER, by and through her undersigned attorney, sues Defendant, REGAL CINEMAS, INC., and alleges the following:

1. This is an action in excess of Fifty Thousand (\$50,000.00) Dollars.
2. At all times material hereto, Plaintiff, NATALIE GOLDHABER, was and is a resident of Palm Beach County and is *sui juris*.
3. At all times material hereto, Defendant, REGAL CINEMAS, INC. was is doing business in Palm Beach County and is *sui juris*.
4. That the subject incident giving rise to this lawsuit occurred at or near the women's bathroom doorway at the address of Regal Shadowood, 9889 W. Glades Rd., Boca Raton, FL 33434 ("subject premises")
5. That the subject incident giving rise to this lawsuit occurred on 12/28/2019 approximately at 9:30 a.m. ("subject time").
6. That at all times material hereto, the Defendant, REGAL CINEMAS, INC. leased, owned, operated, possessed, and controlled the premises including common

areas located at the subject premises. This Defendant invited the public to walk and transact business at this location.

7. That at all times material hereto, the Plaintiff, NATALIE GOLDHABER, was lawfully at the subject premises as a business invitee.

8. Plaintiff, NATALIE GOLDHABER, was knocked into a doorframe by the women's bathroom door at the subject time and subject premises. The door closing mechanism was not properly adjusted to a safe opening force, safe closing delay, and safe swing speed. Furthermore, the doorframe was not reasonably maintained because it was sharp enough to lacerate Ms. Goldhaber's leg. Finally, the bathroom lights were not on in the women's bathroom.

9. Defendant, REGAL CINEMAS, INC., owed a non-delegable duty to use reasonable care to maintain the subject premises in a reasonably safe condition and to warn of any dangerous conditions it knew or should have known existed on its premises.

10. Defendant, REGAL CINEMAS, INC., breached the duty of reasonable care owed to the Plaintiff, NATALIE GOLDHABER, by its negligent failure to warn in that:

- a. The dangerous condition was concealed;
- b. The dangerous condition as not discernable to the Plaintiff, NATALIE GOLDHABER, when exercising due care; and
- c. Defendant, REGAL CINEMAS, INC., had or should have had superior knowledge of the dangerous condition.

11. Defendant, REGAL CINEMAS, INC., breached the duty of reasonable care owed to Plaintiff, NATALIE GOLDHABER, by its negligent failure to maintain its property adequately in a reasonably safe condition and reasonably inspect the subject premises.

12. The duty of reasonable care to maintain the premises was breached because women's bathroom door, door closer, and doorframe were unreasonably dangerous. Because of Defendant's breach in maintaining the premises in a reasonably safe manner, the bathroom lights were not on in the women's bathroom, the door closing mechanism was not properly adjusted to a safe opening force, safe closing delay, and safe wing speed. Furthermore, the doorframe was not maintained properly because it was sharp enough, and the subject area was inadequately illuminated.

13. Defendant, REGAL CINEMAS, INC., knew of these dangerous conditions, or in the exercise of reasonable care should have known of the existence of these conditions. Defendant had actual notice or constructive notice that the women's bathroom door and doorframe was not maintained properly.

14. Defendant, REGAL CINEMAS, INC., breached its duty to reasonably inspect the premises to the Plaintiff, NATALIE GOLDHABER, because the dangerous condition existed enough time to be discovered by a reasonable inspection and Defendant failed to remedy, illuminate or properly barricade the doorway of the women's bathroom.

15. Defendant, REGAL CINEMAS, INC.'s employees actually created the dangerous condition that caused Plaintiff, NATALIE GOLDHABER, to be pushed into the doorframe and fall.

16. Defendant, REGAL CINEMAS, INC., had a negligent mode of operation in maintaining the subject premises or negligently failed to follow its own mode of operation in maintaining the subject premises.

17. Defendant, REGAL CINEMAS, INC., had a negligent mode of training its employees in maintaining and inspecting the subject premises, or its employees negligently failed to follow their training in maintaining and inspecting the subject premises.

18. As a direct and proximate result of the negligence of the Defendant, REGAL CINEMAS, INC., Plaintiff, NATALIE GOLDHABER, was injured in and about her body and extremities and/or aggravating a pre-existing condition or injury, suffered pain therefrom, incurred medical and related expenses in the treatment of her injuries, suffered mental and physical pain and anguish, inconvenience, sustained a permanent injury within a reasonable degree of medical probability and/or permanent loss of bodily function and loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and future medical care.

WHEREFORE, Plaintiff, Natalie Goldhaber, demands judgment against the Defendant, REGAL CINEMAS, INC., for damages, interest, prejudgment interest, attorneys fees including costs against the Defendant, and further demands trial by jury of all issues so triable.

Dated March 25, 2021.

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