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IN THE CIRCUIT COURT OF THE 15<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE No.

TINA C. MCGUIRE-SHAW,

Plaintiff,

vs.

WEST BOCA MEDICAL CENTER, INC., A Florida  
Profit Corporation, JOHN DOE SECURITY GUARD,  
And SECURITY COMPANY,

Defendants.

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**COMPLAINT**

Plaintiff, TINA C. MCGUIRE-SHAW, by and through the undersigned counsel, and hereby sues the Defendant, WEST BOCA MEDICAL CENTER, INC., JOHN DOE SECURITY GUARD and SECURITY COMPANY and alleges as follows:

**JURISDCITION, VENUE, AND PARTIES**

1. This is an action for damages that exceeds Thirty Thousand Dollars (\$30,000.00), exclusive of costs, interest and attorneys' fees as to each identified defendant. Accordingly, although in filing this Complaint, Plaintiff's counsel was required to and did file a Civil Cover Sheet stating an "Amount of Claim" figure, that figure is for data collection and clerical processing purposes only, and the amount of damages in this action will be decided by the jury in complaint with Article I, Section 21, Florida Constitution.

2. At all times material hereto, Plaintiff, TINA C. MCGUIRE-SHAW, was a resident of Loxahatchee, Palm Beach County, Florida, over the age of eighteen (18) and otherwise *sui juris*.

3. The Defendant, WEST BOCA MEDICAL CENTER, INC. (hereinafter, "WEST BOCA MEDICAL") is a Florida Profit Corporation, doing business as a licensed medical facility,

open to the public, and maintaining its medical facilities and offices in Palm Beach County, State of Florida.

4. At all times material hereto, Defendant, WEST BOCA MEDICAL, by and through their agents, servants, employees and/or others, owned, possessed, operated, managed and/or controlled the property located at 21644 State Road 7, Boca Raton, Florida 33428.

5. At all times material hereto, Defendant, SECURITY COMPANY, was the security company hired by Defendant, WEST BOCA MEDICAL to staff the property located at 21644 State Road 7, Boca Raton, Florida with security guards.

6. At all times material hereto, Defendant, JOHN DOE SECURITY GUARD, upon information and belief is a Florida citizen over eighteen (18) years of age and was an employee of Defendant, SECURITY COMPANY who was in the scope of his employment and working on the premises of Defendant, WEST BOCA MEDICAL.

7. Venue is proper in Palm Beach County because the acts and omissions referred to herein, occurred in Palm Beach County, Florida.

#### **FACTUAL BACKGROUND**

8. Plaintiff, TINA C. MCGUIRE-SHAW'S pregnant daughter, was in labor with active contractions and was driven to WEST BOCA MEDICAL for the birth of her child, who was the Plaintiff's grandchild.

9. TINA C. MCGUIRE-SHAW was informed of the expected birth of her grandchild and drove herself to WEST BOCA MEDICAL to be with her daughter for this momentous event.

10. Due to the early morning hour, the WEST BOCA MEDICAL main entrance was closed and entry to WEST BOCA MEDICAL was only through the emergency room. TINA C. MCGUIRE-SHAW drove to the Emergency Room parking lot, parked her car in that parking lot,

and entered the WEST BOCA MEDICAL emergency room, where she requested to be shown to the birthing center where her daughter was located.

11. At the emergency room triage area, Defendant, JOHN DOE SECURITY GUARD was at the registration desk. Plaintiff was told her that she was not allowed to access the birthing center at WEST BOCA MEDICAL and needed to exit the emergency room and go to a different building.

12. At all times relevant there was a safe and well lighted route inside WEST BOCA MEDICAL, using the hallways inside the building, going from the emergency room to the birthing center where Plaintiff's daughter was located.

13. Defendant, JOHN DOE SECURITY GUARD refused to allow Plaintiff to access the birthing center by using the safe and well lighted route inside WEST BOCA MEDICAL, using the hallways inside the building, going from the emergency room to the birthing center where Plaintiff's daughter was located.

14. Defendant, JOHN DOE SECURITY GUARD escorted Plaintiff outside the emergency room entrance into a dimly lit area and pointed directly the route Plaintiff needed to take to another building so as to re-enter the WEST BOCA MEDICAL so Plaintiff could be with her daughter.

15. Defendant, JOHN DOE SECURITY GUARD put Plaintiff in harm's way by taking her outside the building, into a dimly lit area, pointing her to walk over a speed bump that was not properly marked and not allowing her to access the birthing center via the safe and well lighted route inside WEST BOCA MEDICAL

16. That in the early morning hours on November 2, 2019, Plaintiff, TINA C. MCGUIRE-SHAW, an invitee of the Defendant, WEST BOCA MEDICAL, fell on a speed bump

just outside of the dimly lit Emergency entrance on the subject premises of the Defendant, which caused serious injuries to the Plaintiff, TINA C. MCGUIRE-SHAW.

**COUNT I – NEGLIGENCE WEST BOCA MEDICAL**

17. The Plaintiff, TINA C. MCGUIRE-SHAW, realleges and adopts paragraphs 1 through 9 and incorporates them as if they were fully set forth herein.

18. At all times material hereto, Defendant, WEST BOCA MEDICAL, owned, operated, maintained, inspected, repaired, and exercised dominion and control of the premises located at 21644 State Road 7, Boca Raton, Florida 33428, including but limited to the speed bumps, lighting fixtures, parking lot, and walkway areas located within and around the subject premises.

19. That in the early morning hours on November 2, 2019, the Plaintiff, TINA C. MCGUIRE-SHAW, was an invitee on the premises of the Defendant, WEST BOCA MEDICAL.

20. That at all times material hereto, as the entity responsible for owning, operating, maintaining, and controlling its premises, Defendant, WEST BOCA MEDICAL, owed a nondelegable duty to the Plaintiff, TINA C. MCGUIRE-SHAW, to take all reasonable steps to ensure Plaintiff's safety while on the Defendant's premises.

21. Specifically, Defendant, WEST BOCA MEDICAL, owed a nondelegable duty to the Plaintiff, TINA C. MCGUIRE-SHAW, to use reasonable care to ensure that the Plaintiff was able to safely and adequately utilize designated pathways, paths of travel, hallways, walkways and modes of ingress and egress made available to the public while on the subject WEST BOCA MEDICAL premises without anyone being subject to the dangers associated with a speed bump situated in a dimly lighted area in front of the Emergency entrance located within the subject premises.

22. That the Defendant, WEST BOCA MEDICAL, breached its nondelegable duty owed to the Plaintiff, TINA C. MCGUIRE-SHAW, by carelessly and negligently failing to properly maintain its premises, including the subject speed bump and lighting fixtures or warn the Plaintiff of the aforementioned dangerous condition on its premises, including the speed bumps. Specifically, the Defendant, WEST BOCA MEDICAL, breached their duty of reasonable care owed to the Plaintiff, TINA C. MCGUIRE-SHAW, including but not limited to, one or more of the following ways:

- a. Refusing her the right to access the birthing area from the emergency room via the inside hallways and corridors inside the subject WEST BOCA MEDICAL and ensuring a safe, hazard free passage on its property;
- b. Failing to properly inspect the subject WEST BOCA MEDICAL speed bump to ensure it was in good condition;
- c. Failing to properly maintain the subject speed bump so that the speed bump was visible at nighttime.
- d. Failing to maintain proper lighting in the areas outside its emergency room area and creating a dangerous condition by placing a speed bump without adequate lighting across a means of egress and ingress walkway.
- e. Violating applicable standards of care for safe walkways in a means of egress and creating the dangerous condition that caused the Plaintiff, TINA C. MCGUIRE-SHAW to fall.
- f. Failing to properly design, construct, clean and or maintain the subject WEST BOCA MEDICAL speed bumps;

- g. Failing to protect its invitees from known hazards on the WEST BOCA MEDICAL premises, including the subject speed bump;
- h. Failing to place caution or warning signs in the area where the Plaintiff's injuries occurred;
- i. Failing to take proper and necessary safety precautions to prevent the incident which caused injury to the Plaintiff;
- j. Failing to maintain its premises in a safe condition, including the subject speed bump;
- k. Failing to ensure that the subject WEST BOCA MEDICAL speed bump complied with the applicable Florida building, safety, accessibility and maintenance codes;
- l. Failing to ensure the placement of detectable or visible markings or warnings;
- m. Failing to reduce, minimize, or eliminate, the known and/or foreseeable risks and dangers associated with the dimly lit area around the dangerous WEST BOCA MEDICAL speed bump;
- n. Failing to warn the public and invitees of the danger and risk associated within the dimly lit area around the subject WEST BOCA MEDICAL speed bump;
- o. by allowing the aforementioned hazardous conditions to exist, although WEST BOCA MEDICAL knew, or in the exercise of reasonable care, should have known, about the existence of the hazardous conditions,

and it further represented that its premises was safe and suitable when, in fact, it was not because of the aforescribed hazardous condition;

p. by failing to correct or remedy the aforescribed dangerous and hazardous conditions, although WEST BOCA MEDICAL knew, or in the exercise of reasonable care should have known, about the existence of said conditions, and it further represented to its invitees and the public that its premises was safe and suitable when, in fact, it was not because of the hazardous condition as aforesaid;

q. Failing to properly supervise all employees and/or agents of Defendant, WEST BOCA MEDICAL, who were responsible for maintaining the subject WEST BOCA MEDICAL's outside lighting, walkways, and speed bump;

r. Failing to properly train all employees and/or agents of Defendant, WEST BOCA MEDICAL, who were responsible for maintaining the subject WEST BOCA MEDICAL's outside lighting, walkways, and speed bump; and

s. Failing to properly hire all employees and/or agents of Defendant, WEST BOCA MEDICAL, who were responsible for maintaining the subject WEST BOCA MEDICAL's outside lighting, walkways, and speed bump;

23. As a direct and proximate result of the negligence of the Defendant, WEST BOCA MEDICAL, Plaintiff, TINA C. MCGUIRE-SHAW, suffered damages including, but not limited to, bodily injury and resulting pain and suffering, disability, disfigurement, scarring, mental

anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and or aggravation of a previously existing condition. These losses are either permanent or continuing in nature, and the Plaintiff, TINA C. MCGUIRE-SHAW, will suffer these losses in the future.

**WHEREFORE**, the Plaintiff, TINA C. MCGUIRE-SHAW, demands judgment for damages against Defendant, WEST BOCA MEDICAL which sum is in excess of the sum of THIRTY THOUSAND DOLLARS (\$30,000.00) exclusive of costs, interest, and attorney's fees, and further demands trial by jury.

**COUNT II – NEGLIGENCE JOHN DOE SECURITY GUARD**

24. The Plaintiff, TINA C. MCGUIRE-SHAW, realleges and adopts paragraphs 1 through 9 and incorporates them as if they were fully set forth herein.

25. Defendant, WEST BOCA MEDICAL and Defendant, SECURITY COMPANY, employed, Defendant, JOHN DOE SECURITY GUARD to manage the security operations on the subject premises.

26. Defendant, JOHN DOE SECURITY GUARD, as a security guard, undertook and accepted the responsibility to manage the security operations on the subject premises, including the safety of visitors and business invitees, including the Plaintiff, TINA C. MCGUIRE-SHAW.

27. Defendant, JOHN DOE SECURITY GUARD owed a duty of reasonable care to Defendant, WEST BOCA MEDICAL's visitors and business invitees, including the Plaintiff, TINA C. MCGUIRE-SHAW, safely direct them while on the grounds and buildings of WEST BOCA MEDICAL and to protect them from dangers on the subject premises, including the aforementioned dangerous and hazardous conditions.



28. Defendant, JOHN DOE SECURITY GUARD, breached his duty of reasonable care when he refused Plaintiff the right to access the birthing area from the emergency room via the inside hallways and corridors of WEST BOCA MEDICAL and instructed the Plaintiff, TINA C. MCGUIRE-SHAW to walk outside where it was dark, dimly lit, and poor visibility in order get to the Emergency Entrance instead of allowing the Plaintiff, TINA C. MCGUIRE-SHAW to walk within the hospital, which was a safer path of travel.

29. Defendant, JOHN DOE SECURITY GUARD, breached his duty of reasonable care in refusing Plaintiff the right to access the birthing area from the emergency room via the inside hallways and corridors of WEST BOCA MEDICAL and by putting the Plaintiff, TINA C. MCGUIRE-SHAW in danger when instructing her to utilize the poorly lit path travel and essentially directing her to the dangerous condition associated with a speed bump situated in a low lighted area in front of the Emergency entrance located within the subject premises.

30. As a direct and proximate result of the subject incident and Defendant, JOHN DOE SECURITY GUARD's negligence, Plaintiff, TINA C. MCGUIRE-SHAW, suffered bodily injury and resulting pain and suffering, disability, disfigurement, inconvenience, loss of capacity of the enjoyment of life expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff, TINA C. MCGUIRE-SHAW will suffer the losses in the future.

**WHEREFORE**, Plaintiff, TINA C. MCGUIRE-SHAW demands judgment against Defendant, JOHN DOE SECURITY GUARD for damages which are in excess of the sum of Thirty Thousand (\$30,000.00) Dollars, exclusive of costs, interest and attorney's fees, and further demands trial by jury.

**COUNT III. NEGLIGENCE HIRING, TRAINING, SUPERVISION AND RETENTION**  
**AGAINST DEFENDANT, SECURITY COMPANY**

31. Plaintiff, TINA C. MCGUIRE-SHAW, reasserts and reaffirms paragraphs numbered 1 through 9 above as if set forth fully herein.

32. At all times material hereto, Defendant, WEST BOCA MEDICAL retained and/or hired the Defendant, SECURITY COMPANY to manage the security operations and protect visitors/business invitees, including the Plaintiff, TINA C. MCGUIRE-SHAW from dangers on the subject premises, including dangerous and hazardous conditions.

33. At all times material hereto, Defendant, JOHN DOE SECURITY GUARD was employed by Defendant, SECURITY COMPANY and had a duty to properly direct and to protect visitors/business invitees, including the Plaintiff, TINA C. MCGUIRE-SHAW from dangers on the subject premises, including dangerous and hazardous conditions.

34. At all times material hereto, Defendant, SECURITY COMPANY, allowed its employees, including Defendant, JOHN DOE SECURITY GUARD to refuse safe passage inside the inside hallways and corridors of WEST BOCA MEDICAL late at night, and improperly instruct/direct visitors/business invitees, including the Plaintiff, TINA C. MCGUIRE-SHAW to unsafe and dimly lit paths of travel on the subject premises without providing proper instruction and without following proper protocol and procedures although Defendant SECURITY COMPANY knew, or in the exercise of reasonable care, should have known, about the existence of the dangers in allowing visitors/business invitees to utilize the poorly lit path travel and utilize path of travels with dangerous and hazardous conditions.

35. At all times material hereto, Defendant, SECURITY COMPANY, failed to properly supervise all employees and/or agents of Defendant, SECURITY COMPANY who were working or responsible for performing duties and tasks for Defendant, SECURITY COMPANY,

including Defendant, JOHN DOE SECURITY GUARD.

36. At all times material hereto, Defendant, SECURITY COMPANY, failed to properly train all employees and/or agents of Defendant, SECURITY COMPANY, who were working or responsible for performing duties and tasks for Defendant, SECURITY COMPANY, including Defendant, JOHN DOE SECURITY GUARD.

37. At all times material hereto, Defendant, SECURITY COMPANY, fail to properly investigate and hire employees and/or agents of Defendant, SECURITY COMPANY, who were working or responsible for performing duties and tasks for Defendant, SECURITY COMPANY, including Defendant, JOHN DOE SECURITY GUARD.

38. As a direct and proximate result of Defendant SECURITY COMPANY' negligence, the Plaintiff, TINA C. MCGUIRE-SHAW, suffered, and continues to suffer, 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, cost and expense of rehabilitation, aggravation of a preexisting condition, loss of earnings, loss of ability to earn money, physical pain and suffering, mental pain and anguish, inconvenience and scarring. These losses are either permanent or continuing and the Plaintiff, TINA C. MCGUIRE-SHAW, will suffer these losses in the future.

**WHEREFORE**, the Plaintiff, TINA C. MCGUIRE-SHAW, demands judgment against the Defendant, SECURITY COMPANY, for damages in a sum within the jurisdictional limits of this Court, together with costs of suit, and such further relief as the Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury.

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