

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

CIVIL JURISDICTION DIVISION

CASE NO:

CARMEN NICHOLS,

Plaintiff,

vs.

KRISPY KREME DOUGHNUT CORPORATION,
KRISPY KREME OF SOUTH FLORIDA LLC,
PENSKE TRUCK LEASING CORPORATION and
JAVIER PEREZ,

Defendants.

_____ /

COMPLAINT

The Plaintiff, CARMEN NICHOLS, by and through undersigned counsel, sues the Defendants, KRISPY KREME DOUGHNUT CORPORATION, KRISPY KREME OF SOUTH FLORIDA LLC, PENSKE TRUCK LEASING CORPORATION and JAVIER PEREZ and alleges:

1. This is an action for damages in excess of Fifty Thousand (\$50,000.00) Dollars, exclusive of interest and cost, and is within the jurisdiction of this Court.

2. That at all times material hereto, Plaintiff, CARMEN NICHOLS was a resident of Palm Beach County, Florida and otherwise sui juris.

3. That at all times material hereto, the Defendant, JAVIER PEREZ, was a resident of Palm Beach County, Florida, and otherwise sui juris.

4. That at all times material hereto, Defendant, KRISPY KREME DOUGHNUT CORPORATION, was and is a corporation authorized to do business, and doing business and

maintaining offices in Palm Beach County, Florida, and is *sui juris*.

5. That at all times material hereto, Defendant, KRISPY KREME OF SOUTH FLORIDA LLC., was and is a corporation authorized to do business, and doing business and maintaining offices in Palm Beach County, Florida, and is *sui juris*.

6. That at all times material hereto, Defendant, PENSKE TRUCK LEASING CORPORATION was and is a corporation authorized to do business, and doing business and maintaining offices in Miami-Dade County, Florida, and is *sui juris*.

7. That on or about March 31, 2023, at approximately 5:01 a.m., the Defendant, JAVIER PEREZ, owned, operated and/or maintained a motor vehicle on Old Boynton Road near S.R. 804 in Boynton Beach, Florida.

8. That at said time and place, Defendant, JAVIER PEREZ, operated and/or maintained the said motor vehicle in a negligent manner so as to cause it to collide and/or strike a motorcycle operated by Plaintiff, CARMEN NICHOLS.

9. That at all times material hereto, Defendant, JAVIER PEREZ, was acting within the course and scope of his employment with Defendant, KRISPY KREME DOUGHNUT CORPORATION, and in furtherance of Defendant, KRISPY KREME DOUGHNUT CORPORATION's business.

10. That at all times material hereto, Defendant, JAVIER PEREZ, was acting within the course and scope of his employment with Defendant, KRISPY KREME OF SOUTH FLORIDA LLC. and in furtherance of Defendant, KRISPY KREME OF SOUTH FLORIDA LLC's business.

11. That at all times material hereto, Defendant, JAVIER PEREZ, was acting within the course and scope of his employment with Defendant, PENSKE TRUCK LEASING CORPORATION and in furtherance of Defendant, PENSKE TRUCK LEASING

CORPORATION's business.

12. That at all times material hereto, Defendant, JAVIER PEREZ, operated said motor vehicle with the permission and consent of Defendant, KRISPY KREME DOUGHNUT CORPORATION, owner of the motor vehicle.

13. That at all times material hereto, Defendant, JAVIER PEREZ, operated said motor vehicle with the permission and consent of Defendant, KRISPY KREME OF SOUTH FLORIDA LLC owner of the motor vehicle.

14. That at all times material hereto, Defendant, JAVIER PEREZ, operated said motor vehicle with the permission and consent of Defendant, PENSKE TRUCK LEASING CORPORATION. owner of the motor vehicle.

15. As a direct and proximate result of the negligence of the Defendants, as aforesaid, Plaintiff, CARMEN NICHOLS, 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, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing in nature and Plaintiff, CARMEN NICHOLS, will suffer the losses in the future. Plaintiff's motorcycle was damaged and he lost the use of it during the period required for its repair or replacement.

WHEREFORE, Plaintiff, CARMEN NICHOLS, demands judgment against the Defendants, KRISPY KREME DOUGHNUT CORPORATION, KRISPY KREME OF SOUTH FLORIDA LLC, PENSKE TRUCK LEASING CORPORATION and JAVIER PEREZ, for compensatory damages together with lawful costs of this suit, and a trial by a jury of all issues

triable as a matter of right by a jury.

Dated this 2nd day of June 2023.

**SILVERSTEIN, SILVERSTEIN
& SILVERSTEIN, P.A.**

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