

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

MOLLIE BOWERS and
DAVID BOWERS, her husband,

Plaintiffs,

v.

CASE NO.

BOCA RESORTS, INC.,
a Delaware corporation.

Defendant.

COMPLAINT

Plaintiffs, Mollie Bowers and David Bowers, her husband, sue Defendant, Boca Resorts, Inc., and allege:

General Allegations

1. This is an action for damages in excess of \$50,000, exclusive of interest and costs.
2. At all material times, Plaintiff, Mollie Bowers ("Ms. Bowers") and David Bowers ("Mr. Bowers") (collectively, "Plaintiffs") were residents of Palm Beach County, Florida.
3. At all material times, Ms. Bowers and Mr. Bowers were lawfully married.
4. Defendant, Boca Resorts, Inc. ("Defendant"), is a foreign corporation.
5. Defendant owns and operates world-class hotels, resorts and clubs, including hotels, resorts and clubs in the State of Florida.

6. Defendant owns the hotel, resort and/or club known as "The Boca Raton" (formerly known as the Boca Raton Resort & Club) located at 501 East Camino Real, Boca Raton, Palm Beach County, Florida ("The Boca Raton").

7. Defendant operates, manages and/or controls The Boca Raton.

8. At all material times, The Boca Raton was open to invitees.

9. On February 5, 2023, Plaintiffs were invitees at the Yacht Club portion of The Boca Raton attending a funeral service/celebration of life.

10. On February 5, 2023, Ms. Bowers slipped and fell on the wet bathroom tile floor in the ladies' restroom at the Yacht Club portion of The Boca Raton.

11. The wet condition of the restroom floor was created by Defendant's agents and/or employees.

12. The wet condition of the restroom floor occurred with regularity and was therefore foreseeable.

13. Defendant had actual knowledge of the wet condition of the restroom floor in advance of Ms. Bowers' accident.

14. The wet and dangerous condition of the restroom floor existed for such a length of time that, in the exercise of ordinary care, Defendant should have known of the condition in advance of Ms. Bowers' accident and taken action to remedy it.

15. The condition of the restroom floor was dangerous and a slipping hazard.

16. There were no warning signs or devices alerting patrons of the wet condition of the restroom floor at the Yacht Club portion of The Boca Raton.

17. The wet condition of the restroom floor at the Yacht Club portion of The Boca Raton was in violation of applicable life safety standards and codes, including but not limited to Defendant's own internal standards and requirements.

Count I

18. Plaintiffs realleges paragraphs 1 through 17.

19. Defendant owed duties to: (i) exercise reasonable care in maintaining the The Boca Raton, including the area of the accident, (ii) maintain the common and open areas of the Yacht Club portion of The Boca Raton in a reasonably safe condition, (iii) warn invitees, including Plaintiff, of concealed perils which were known or should have been known to exist, (iv) maintain the common and open areas of the Yacht Club portion of The Boca Raton in compliance with applicable life safety standards and codes, including but not limited to its own internal standards and requirements relative to the care and cleanliness of flooring, and (v) use reasonable care for the safety of invitees.

20. Defendant, through its agents, employees, and representatives, breached its duties of care, and negligently maintained the ladies' restroom floor in the Yacht Club portion of The Boca Raton by placing and/or allowing water to remain on the floor, creating a hazardous, unsafe and dangerous condition.

21. The unreasonably dangerous condition of the restroom floor in the Yacht Club portion of The Boca Raton was created by Defendant.

22. The unreasonably dangerous condition of the restroom floor in the Yacht Club portion of The Boca Raton was known to Defendant.

23. The unreasonably dangerous condition of the restroom floor in the Yacht Club portion of The Boca Raton existed for a sufficient length of time that Defendant should have known of the condition and remedied it.

24. Defendant knew or should have known that the presence of a wet floor in the restroom in the Yacht Club portion of The Boca Raton constituted a hidden peril and that persons like Ms. Bowers may slip and fall and sustain injuries.

25. Defendant negligently failed to correct or warn of the unreasonably dangerous and wet condition of the floor of the ladies' restroom in the Yacht Club portion of The Boca Raton

26. As a proximate result of Defendant's negligence in the care, supervision, and maintenance of the ladies' restroom floor in the Yacht Club portion of The Boca Raton, Ms. Bowers 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, travel expenses, and aggravation of previously-existing conditions. The losses are either permanent or continuing and Ms. Bowers will suffer the losses in the future.

WHEREFORE, Plaintiff, Mollie Bowers, demands judgment for damages against Defendant, plus interest, costs, and further relief deemed proper.

COUNT II Consortium Claim

27. Mr. Bowers realleges paragraphs 1 through 17 and 19 through 26.

28. As a consequence of Defendant's negligence, Mr. Bowers has been and will continue to be deprived of the care, comfort, support, society and attention of his spouse, and he has and will be responsible for her medical bills.

WHEREFORE, Plaintiff, David Bowers, demands judgment for damages against Defendant, plus prejudgment interest, costs and further relief deemed proper.

Demand for Trial by Jury

Plaintiffs demand a trial by jury on all issues so triable.

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