

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

CASE NO:

PHYLLIS RIESNER

Plaintiff,

vs.

THE BOCA RATON LLC, d/b/a THE
BOCA RATON RESORT & CLUB

Defendant.
_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

1. This is an action for damages in excess of fifty thousand (\$50,000.00) dollars, exclusive of attorney's fees, interest and costs, and Plaintiff hereby demands a jury trial.

2. At all times material hereto, Plaintiff, Phyllis Riesner was a resident of Palm Beach County, Florida and *sui juris*.

3. The Boca Raton, Grand Ballroom, where the incident occurred, is located at 501 East Camino Real, Boca Raton, Florida 33432 in Palm Beach County ("Subject Premises").

4. At all times material hereto, Defendant, THE BOCA RATON LLC, d/b/a THE BOCA RATON RESORT & CLUB was a Foreign Limited Liability Company with its registered agent located at 115 North Calhoun St. Suite 4, Tallahassee, FL,

32301, and its principal place of business at 15 River Road, Suite 15B, Wilton, CT 33432, and was at all times authorized to and doing business in the State of Florida, and more specifically in Palm Beach County.

5. Jurisdiction and venue are appropriate and proper in this Court pursuant to Sections §§ 47.011, 47.051 and 48.193, Florida Statutes, because, *inter alia*, the Defendant's conduct their business operations within Palm Beach County, Florida, Defendant's tortious acts which caused injuries to Plaintiff occurred in Palm Beach County, Florida, the Defendant was engaged in solicitation and service activities within the State of Florida, and the incident giving rise to this action occurred in Palm Beach County, Florida.

6. On April 9, 2023, Plaintiff was a business invitee and on the Subject Premises for an Easter brunch with her family.

7. On about April 9, 2023, Defendant held the Easter brunch in an event room, rather than a dining room in a restaurant at the Subject Premises.

8. Defendant prepared the Subject Premises for the Easter brunch event, including selection, location, and placement of draping tablecloths over the dining tables.

9. On April 9, 2023, shortly after Plaintiff had arrived at the brunch, plaintiff was seated at her table.

10. The Easter brunch at the Subject Premises was buffet style, requiring invitees to leave their table to obtain a meal.

11. Phyllis Riesner stood as she planned to start her meal and sought to obtain food. As Plaintiff stood, she turned toward the buffet, her foot, unbeknownst to her, became entangled in the excessively draped tablecloth, causing her to immediately lose her balance and fall onto her left side.

12. Following her fall, Plaintiff's family members observed the excessive length of the tablecloths appeared to have been tucked, unsecured under the table, rendering the danger of entanglement hidden at the Subject Premises. This is depicted below in **Images 1 and 2**.



Images 1 and 2: Excessive guest table draping, The Boca Raton.

13. As a result of tripping and falling, on April 9, 2023, Plaintiff sustained severe personal injuries. Phyllis Riesner was transported by ambulance to Boca Raton Regional Hospital emergency department and subsequently admitted with a displaced left intertrochanteric, subtrochanteric femur fracture which required surgery.

COUNT I

**NEGLIGENCE AGAINST DEFENDANT, THE BOCA RATON LLC
d/b/a THE BOCA RATON**

14. Plaintiff, Phyllis Riesner, re-alleges and re-avers paragraphs 1 – 13, as if fully set forth herein.

15. At all times material hereto Defendant, THE BOCA RATON LLC d/b/a THE BOCA RATON, owed a duty to Plaintiff including, but not limited to:

- a. Properly maintain the common areas of the Subject Premises, including the seating areas in a reasonable and non-negligent manner.
- b. To reduce, minimize or eliminate foreseeable risks before they manifest themselves as dangerous conditions on the Subject Premises.
- c. Provide reasonable inspection of the seating area.
- d. Take timely and appropriate action to remediate the effects of any dangerous condition in the seating area of the Subject Premises.
- e. Not allow a dangerous condition to remain in or around the seating area.
- f. Warn Plaintiff of any dangerous conditions in the seating area, including the placement of warning signs in the seating area.

16. The dangerous condition was created by Defendant, or had existed for a sufficient length of time so that Defendant, by exercise of diligence should have known of it.

17. By failing to warn Plaintiff of the condition, Plaintiff tripped and fell on the premises sustaining permanent injuries.

18. On April 9, 2023, Defendant breached its duties to Plaintiff.

19. As a direct and proximate result, the negligence of Defendant, THE BOCA RATON LLC d/b/a THE BOCA RATON, Plaintiff, PHYLLIS RIESNER, 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/or aggravation of a previously existing condition. The losses are either permanent or continuing in nature and Plaintiff will suffer the losses in the future.

20. WHEREFORE, Plaintiff, PHYLLIS RIESNER, demands judgment for damages against the Defendant, THE BOCA RATON LLC d/b/a THE BOCA RATON, costs and further demands trial by jury.

JURY TRIAL DEMAND

Plaintiff, PHYLLIS RIESNER, demands a jury trial on all matters so triable.

DATED this 31st day of January, 2024.

/s/ Andrew Norden

ANDREW NORDEN, ESQ.

Florida Bar No.: 808121

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