

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

CASE NO.

DIVISION:

RENE PALMER,

Plaintiff,

v.

THE GRATEFUL DOG, LLC,

Defendant.

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**COMPLAINT**

COMES NOW Plaintiff, RENE PALMER, by and through the undersigned counsel, hereby files this Complaint against Defendant, THE GRATEFUL DOG, LLC (hereinafter “Defendant”), and in support thereof states as follows:

**INTRODUCTION**

1. This is an action for damages in excess of \$50,000, exclusive of attorney’s fees, interest, and costs.

**PARTIES, JURISDICTION, AND VENUE**

2. Plaintiff is an individual residing in Boynton Beach, Florida.
3. Defendant is a Florida limited liability company registered to conduct business in Florida.
4. At all times material hereto, Defendant operated business at 8788 W Boynton Beach Boulevard, Boynton Beach, FL 33472,
5. Venue is proper in Palm Beach County because the incident occurred in Palm Beach

County.

**FACTUAL BACKGROUND**

6. On March 21, 2026, Plaintiff took her dog, Brooklyn (hereinafter “Binky”), to Defendant’s business for grooming.
7. Plaintiff had taken Binky to Defendant’s place of business for six (6) months prior to this incident.
8. During the grooming session, Defendant’s employee cut Binky’s ear.
9. Defendant’s employee did not disclose the cut to Plaintiff when Plaintiff picked Binky up from the appointment.
10. On April 6, 2026, Plaintiff’s husband discovered a piece of Binky’s ear underneath her bed.
11. Plaintiff and her husband took Binky to Fidelity Animal Hospital for immediate examination.
12. After his examination, Dr. Fidel determined that Defendant’s employee cut Binky’s ear so badly that half of Binky’s ear fell off.
13. Dr. Fidel believed that when Binky left Defendant’s business, her ear was hanging on as a result of the cut and did not fall off until later on while Binky was at home.
14. As a result of the incident, Binky looks disfigured and is suffering.
15. Specifically, on June 16, 2026, Binky had to undergo a procedure to insert a tracheal stent due to her airway collapsing from the stress induced upon her from the cut.
16. Binky has also had to begin taking seven (7) different medications that she will be required to take for the rest of her life.
17. Plaintiff has also suffered emotional distress from the incident, as she now has to deal with

the trauma of seeing Binky in pain and permanently disfigured.

**COUNT I: NEGLIGENCE**

18. Plaintiff realleges and restates paragraphs 1 through 15 as if fully set forth herein.
19. To establish a claim for negligence, a plaintiff must show that the defendant owed the plaintiff a duty, the defendant breached that duty, the defendant was the cause of the injury, and that there were resulting damages. *Wilson-Greene v. City of Miami*, 208 So. 3d 1271, 1274 (Fla. 3d DCA 2017) (quoting *Sierra v. Shevin*, 767 So. 2d 524, 525 (Fla. 3d DCA 2000)).
20. Florida recognizes that a legal duty arises “whenever a human endeavor creates a generalized and foreseeable risk of harming others.” See *McKinley v. Gualtieri*, 338 So. 3d 429, 433 (Fla. 2d DCA 2022).
21. Defendant owed Plaintiff a duty to take reasonable care of Binky while grooming her.
22. Defendant breached this duty by cutting Binky while grooming her and failing to disclose the nature of the injury to Plaintiff upon picking Binky up from the appointment.
23. Defendant was the cause of the injury as Binky’s ear would not have fallen off had it not been for Defendant’s breach of its duty.
24. As a result of the incident, Binky is now without half of her ear, and Plaintiff must deal with veterinarian costs, lifelong treatment of Binky, and emotional distress associated with seeing Binky’s wound and her permanent disfigurement.

**WHEREFORE**, Plaintiff RENE PALMER respectfully demands trial by jury on all issues so triable and requests this Honorable Court enter a judgment against Defendant for Negligence, and award Plaintiff damages, costs, and such other relief as this Court deems just and proper.

**COUNT II: GROSS NEGLIGENCE**

25. Plaintiff realleges and restates paragraphs 1 through 15 as if fully set forth herein.
26. Pursuant to Florida Statute § 768.72, gross negligence is when “the defendant’s conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct.” Fla. Stat. § 768.72(2)(b).
27. Upon a finding of gross negligence, Florida Statute § 768.72 holds that a defendant can be held liable for punitive damages. *See* Fla. Stat. § 768.72(2).
28. Here, Defendant owed Plaintiff a duty to groom Binky with reasonable care and breached that duty by cutting Binky so badly that half of her ear fell off.
29. Defendant’s subsequent nondisclosure of the injury sustained to Binky indicates a conduct so reckless in degree to warrant a finding of gross negligence as Defendant consciously disregarded or was indifferent to Plaintiff’s rights as Binky’s owner.

**WHEREFORE**, Plaintiff RENE PALMER respectfully demands trial by jury on all issues so triable and requests this Honorable Court enter a judgment against Defendant’s Gross Negligence, and award Plaintiff damages, costs, and such other relief as this Court deems just and proper.

**COUNT III: VIOLATION OF FLA. STAT. § 828.12**

30. Plaintiff realleges and restates paragraphs 1 through 15 as if fully set forth herein.
31. Pursuant to Florida Statute § 828.12, animal cruelty occurs when a person either unnecessarily or intentionally mutilates an animal. *See* Fla. Stat. § 828.12(1)–(2).
32. The Florida Supreme Court has held that Florida Statute § 828.12(2) is a general intent

crime and therefore does not require that a defendant specifically intend to cause the harm; the defendant just had to intentionally commit the act. *See Reynolds v. State*, 842 So. 2d 46, 48 (Fla. 2002).

33. Defendant's company intentionally or unnecessarily mutilated Binky by cutting her ear during the grooming session, causing Binky's ear to subsequently fall off.

34. As a direct result of Defendant's conduct, Binky is not only permanently disfigured, but she was put under such distress that she had to undergo a tracheal stent placement as a result of her airway collapsing.

**WHEREFORE**, Plaintiff RENE PALMER respectfully demands trial by jury on all issues so triable and requests this Honorable Court enter a judgment against Defendant for violation of Florida Statute § 828.12, and award Plaintiff damages, costs, and such other relief as this Court deems just and proper.

**COUNT IV: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

35. Plaintiff realleges and restates paragraphs 1 through 15 as if fully set forth herein.

36. To make a showing of intentional infliction of emotional distress, a plaintiff must show "(1) the wrongdoer's conduct was intentional or reckless; (2) the conduct was outrageous; (3) the conduct caused emotional distress; and (4) the emotional distress was severe." *See Williams v. Worldwide Flight Servs.*, 877 So. 2d 869, 870 (Fla. 3d DCA 2004).

37. Outrageous conduct is characterized as conduct that is "so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency." *See Metropolitan Life Ins. Co. v. McCarson*, 467 So. 2d 277, 278–79 (Fla. 1985).

38. Severe emotional distress occurs when the distress is "of such substantial quality or enduring quality, that no reasonable person in a civilized society should be expected to

endure it.” See *Kraeer Funeral Homes, Inc. v. Noble*, 521 So. 2d 324, 325 (Fla. 4d DCA 1988).

39. In *Knowles Animal Hosp. v. Wills*, the Third District Court of Appeal upheld a jury award for mental pain and suffering as a result of gross negligence by the defendant, as it was “a great indifference to the property of the plaintiffs . . . .” See *Knowles*, 360 So. 2d 37, 38–39 (Fla. 3d DCA 1978).

40. Here, Defendant’s grooming of Binky was so reckless as to result in Binky’s ear falling off from being cut while in Defendant’s care.

41. This behavior was outrageous and extreme, as it went beyond all bounds of decency to both Binky and Plaintiff.

42. Defendant’s failure to disclose the cut to Plaintiff upon picking Binky up from the grooming appointment further exhibited outrageous and extreme behavior.

43. Defendant’s conduct resulted in Plaintiff’s emotional distress because she had to witness Binky not only in pain, but also permanently mutilated.

44. Plaintiff’s emotional distress is severe as it is ongoing, persistent, and should not be expected to be endured.

**WHEREFORE**, Plaintiff RENE PALMER respectfully demands trial by jury on all issues so triable and requests this Honorable Court enter a judgment against Defendant for intentional infliction of emotional distress, and award Plaintiff damages, costs, and such other relief as this Court deems just and proper.

### **COUNT V: DAMAGE TO PROPERTY**

45. Plaintiff realleges and restates paragraphs 1 through 15 as if fully set forth herein.
46. Under Florida law, pets are considered personal property. *See Harby v. Harby*, 331 So. 3d 814, 821 (Fla. 2d DCA 2021) (citation omitted); *see also Springer v. Springer*, 322 So. 3d 172, 173 (Fla. 2d DCA 2021) (“While a dog may be considered by many to be a member of the family, under Florida law, animals are considered to be personal property.” (quoting *Bennett v. Bennet*, 655 SO. 2d 109, 110 (Fla. 1st DCA 1995))).
47. Defendant’s act of mutilating Binky diminished the value of Binky insofar as she was left without half of her ear.
48. Therefore, Defendant’s act falls under damage to personal property for which Plaintiff may seek damages for the disfigurement.

**WHEREFORE**, Plaintiff RENE PALMER respectfully demands trial by jury on all issues so triable and requests this Honorable Court enter a judgment against Defendant for Damage to her property, and award Plaintiff damages, costs, and such other relief as this Court deems just and proper.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff RENE PALMER respectfully requests that this Honorable Court enter judgment against Defendant, and grant the following relief:

1. Enter an order against Defendant for negligence, gross negligence, violation of Florida Statute § 828.12, intentional infliction of emotional distress, and damage to property;
2. Award Plaintiff damages and costs to cover Binky’s veterinarian and procedure costs;  
and
3. Such other relief as this Court deems just and proper.

Respectfully submitted.

**LAW OFFICE OF BYRON ACOSTA, P.A.**

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*/s/ Byron Acosta*

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