

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

Case No.:

Div:

ANGJELINA RASMY,
Plaintiff,

vs.

PALM BEACH COUNTY, a Florida municipality,
ASHLEY PARK HOMEOWNERS ASSOCIATION, INC.,
a Florida Not For Profit Corporation
and B.W. HOMEOWNERS ASSOCIATION, INC.
a Florida Not for Profit Corporation,
Defendants.

COMPLAINT

Plaintiff, ANGJELINA RASMY (the "Plaintiff"), by and through undersigned counsel, hereby sues the Defendants, PALM BEACH COUNTY (hereinafter "PBC"), ASHLEY PARK HOMEOWNERS ASSOCIATION, INC., a Florida Not for Profit Corporation (hereinafter "Ashley Park") and B.W. HOMEOWNERS ASSOCIATION, INC., a Florida Not for Profit Corporation (hereinafter "B.W.") (sometimes hereinafter collectively referred to as "Defendants") and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceed fifty thousand dollars (\$50,000.00) within the jurisdiction of this Court.
2. At all times material hereto, the Plaintiff was and is a resident of Palm Beach County, Florida.

3. At all times material hereto, PBC was a Florida municipality and is located in Palm Beach County, Florida.
4. At all times material hereto, Defendant, Ashley Park was a Florida Not for Profit Corporation conducting business in the State of Florida and conducting substantial business in Palm Beach County, Florida.
5. At all times material hereto, Defendant, B.W. was a Florida Not for Profit Corporation conducting business in the State of Florida and conducting substantial business in Palm Beach County, Florida.
6. At all times material hereto, Defendants, by and through their agents, servants, and employees, owned, possessed, operated, managed, and/or controlled the roadway on 22400 Sea Bass Drive, Boca Raton, FL 33428 (hereinafter “the premises”).
7. The Defendants maintained the Property in an unsafe condition which exposed the Plaintiff to undue harm; to wit: the asphalt road located on the premises broke off, causing a gap in the road spewing over into Plaintiff’s driveway.
8. Venue is proper in Palm Beach County because the acts and omissions referred to herein occurred in Palm Beach County, Florida and Defendants maintains its business offices in Palm Beach County, Florida.
9. On or about October 20, 2023, Plaintiff served written notice of the claim upon PBC by certified mail, return receipt requested in accordance with §768.28, Fla. Stat. PBC received this notice on or about October 30, 2023. A true and correct copy of the notice and proof of receipt is attached as Exhibit “A” and incorporated herein by reference.
10. PBC has denied the claim.

11. Pursuant to §768.28, Florida Statutes, PBC has waived sovereign immunity for this cause of action.
12. All conditions precedent to bringing this cause of action have occurred, or have been performed, excused, discharged, satisfied, or waived.

COUNT I- NEGLIGENCE AGAINST PBC

13. Plaintiff adopts by reference Paragraphs 1 through 12 as though fully set forth herein.
14. On or about March 16, 2022, and at all times material hereto, PBC had a duty to exercise reasonable care and diligence in maintaining the premises in a reasonably safe condition for the Plaintiff's use.
15. On or about March 16, 2022, and at all times material hereto, PBC had a duty to exercise reasonable efforts to keep their premises free from materials or substances that might foreseeably give rise to loss, injury, or damage and to maintain their premises by using safe materials that would reduce risk of harm by providing adequate traction.
16. On or about March 16, 2022, the Plaintiff tripped and fell while stepping in a gap in the asphalt road located in front of the driveway of 22400 Sea Bass Drive, Boca Raton, FL 33428.
17. As a result of this unsafe condition of the sidewalk, the Plaintiff fell.
18. PBC negligently maintained its establishment and premises and breached its duty to the Plaintiff by committing one or more of the following acts of negligence:
 - a. PBC negligently and carelessly maintained its premises in an unsafe condition causing the Plaintiff to enter and be exposed to a dangerous condition upon the premises;

- b. PBC negligently and carelessly left the unsafe condition, which created an unreasonably dangerous condition for any person upon the premises;
- c. PBC negligently and carelessly failed to exercise due and reasonable care to monitor, maintain and inspect the subject premises, when PBC knew or should have known that the subject dangerous condition and/or defect presented an unreasonable risk of harm to their invitees, and/or any person entering the premises;
- d. PBC negligently and carelessly failed to warn the subject of the dangerous condition and/or defect, or of a proper alternative method of circumventing said unsafe/dangerous condition;
- e. PBC knew or in the exercise of reasonable care should have known of the aforementioned dangerous condition and/or defect;
- f. PBC negligently and carelessly failed to inspect for the subject dangerous condition and/or defect;
- g. PBC negligently exposed Plaintiff to a foreseeable and unreasonable risk of harm and bodily injury;
- h. PBC negligently failed to guard the area where the dangerous condition and/or defect existed or to warn their invitees, and/or any person entering the premises, of the presence of such condition when it knew, or in the exercise of reasonable care should have known that such a condition created an unreasonable risk of harm to such persons, including the Plaintiff;

- i. PBC failed to implement a proper inspection procedure to locate and fix the dangerous condition, in this particular area, when it knew, or should have known that this condition existed on PBC's property.
19. As a direct and proximate result of said carelessness and negligence of PBC, Plaintiff has sustained bodily injury, 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 an aggravation of a pre-existing condition. Plaintiff shall suffer additional losses in the future.

WHEREFORE, Plaintiff demands judgment for damages according to law against the Defendant PBC in an amount in excess of the jurisdictional limits of this Court, together with her costs and for any and all further relief this Court deems just and proper.

COUNT II- NEGLIGENCE AGAINST ASHLEY PARK

20. Plaintiff adopts by reference Paragraphs 1 through 12 as though fully set forth herein.
21. On or about March 16, 2022, and at all times material hereto, Ashley Park had a duty to exercise reasonable care and diligence in maintaining the premises in a reasonably safe condition for the Plaintiff's use.
22. On or about March 16, 2022, and at all times material hereto, Ashley Park had a duty to exercise reasonable efforts to keep their premises free from materials or substances that might foreseeably give rise to loss, injury, or damage and to maintain their premises by using safe materials that would reduce risk of harm by providing adequate traction.
23. On or about March 16, 2022, the Plaintiff tripped and fell while stepping in a gap in the asphalt road located in front of the driveway of 22400 Sea Bass Drive, Boca Raton, FL 33428.

24. As a result of this unsafe condition of the sidewalk, the Plaintiff fell.

25. Ashley Park negligently maintained its establishment and premises and breached its duty to the Plaintiff by committing one or more of the following acts of negligence:

- a. Ashley Park negligently and carelessly maintained its premises in an unsafe condition causing the Plaintiff to enter and be exposed to a dangerous condition upon the premises;
- b. Ashley Park negligently and carelessly left the unsafe condition, which created an unreasonably dangerous condition for any person upon the premises;
- c. Ashley Park negligently and carelessly failed to exercise due and reasonable care to monitor, maintain and inspect the subject premises, when PBC knew or should have known that the subject dangerous condition and/or defect presented an unreasonable risk of harm to their invitees, and/or any person entering the premises;
- d. Ashley Park negligently and carelessly failed to warn the subject of the dangerous condition and/or defect, or of a proper alternative method of circumventing said unsafe/dangerous condition;
- e. Ashley Park knew or in the exercise of reasonable care should have known of the aforementioned dangerous condition and/or defect;
- f. Ashley Park negligently and carelessly failed to inspect for the subject dangerous condition and/or defect;
- g. Ashley Park negligently exposed Plaintiff to a foreseeable and unreasonable risk of harm and bodily injury;

- h. Ashley Park negligently failed to guard the area where the dangerous condition and/or defect existed or to warn their invitees, and/or any person entering the premises, of the presence of such condition when it knew, or in the exercise of reasonable care should have known that such a condition created an unreasonable risk of harm to such persons, including the Plaintiff;
 - i. Ashley Park failed to implement a proper inspection procedure to locate and fix the dangerous condition, in this particular area, when it knew, or should have known that this condition existed on Ashley Park's property.
26. As a direct and proximate result of said carelessness and negligence of Ashley Park, Plaintiff has sustained bodily injury, 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 an aggravation of a pre-existing condition. Plaintiff shall suffer additional losses in the future.

WHEREFORE, Plaintiff demands judgment for damages according to law against the Defendant Ashley Park in an amount in excess of the jurisdictional limits of this Court, together with her costs and for any and all further relief this Court deems just and proper.

COUNT III- NEGLIGENCE AGAINST B.W.

27. Plaintiff adopts by reference Paragraphs 1 through 12 as though fully set forth herein.
28. On or about March 16, 2022, and at all times material hereto, B.W. had a duty to exercise reasonable care and diligence in maintaining the premises in a reasonably safe condition for the Plaintiff's use.
29. On or about March 16, 2022, and at all times material hereto, B.W. had a duty to exercise reasonable efforts to keep their premises free from materials or substances that might

foreseeably give rise to loss, injury, or damage and to maintain their premises by using safe materials that would reduce risk of harm by providing adequate traction.

30. On or about March 16, 2022, the Plaintiff tripped and fell while stepping in a gap in the asphalt road located in front of the driveway of 22400 Sea Bass Drive, Boca Raton, FL 33428.

31. As a result of this unsafe condition of the sidewalk, the Plaintiff fell.

32. B.W. negligently maintained its establishment and premises and breached its duty to the Plaintiff by committing one or more of the following acts of negligence:

- a. B.W. negligently and carelessly maintained its premises in an unsafe condition causing the Plaintiff to enter and be exposed to a dangerous condition upon the premises;
- b. B.W. negligently and carelessly left the unsafe condition, which created an unreasonably dangerous condition for any person upon the premises;
- c. B.W. negligently and carelessly failed to exercise due and reasonable care to monitor, maintain and inspect the subject premises, when PBC knew or should have known that the subject dangerous condition and/or defect presented an unreasonable risk of harm to their invitees, and/or any person entering the premises;
- d. B.W. negligently and carelessly failed to warn the subject of the dangerous condition and/or defect, or of a proper alternative method of circumventing said unsafe/dangerous condition;
- e. B.W. knew or in the exercise of reasonable care should have known of the aforementioned dangerous condition and/or defect;

- f. B.W. negligently and carelessly failed to inspect for the subject dangerous condition and/or defect;
 - g. B.W. negligently exposed Plaintiff to a foreseeable and unreasonable risk of harm and bodily injury;
 - h. B.W. negligently failed to guard the area where the dangerous condition and/or defect existed or to warn their invitees, and/or any person entering the premises, of the presence of such condition when it knew, or in the exercise of reasonable care should have known that such a condition created an unreasonable risk of harm to such persons, including the Plaintiff;
 - i. B.W. failed to implement a proper inspection procedure to locate and fix the dangerous condition, in this particular area, when it knew, or should have known that this condition existed on B.W.'s property.
33. As a direct and proximate result of said carelessness and negligence of B.W., Plaintiff has sustained bodily injury, 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 an aggravation of a pre-existing condition. Plaintiff shall suffer additional losses in the future.

WHEREFORE, Plaintiff demands judgment for damages according to law against the Defendant B.W. in an amount in excess of the jurisdictional limits of this Court, together with her costs and for any and all further relief this Court deems just and proper.

PLAINTIFF DEMANDS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated: June 20, 2024

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