

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

CASE NO.:
CIVIL DIVISION

Plaintiff,

vs.

WINN-DIXIE STORES, INC.,

Defendant,

_____ /

COMPLAINT

COMES NOW Plaintiff, _____, a Palm Beach County, Florida resident, by and through undersigned counsel, and hereby sues Defendant, Winn-Dixie Stores, Inc., a Florida Profit Corporation, and for her cause of action alleges:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000.00) exclusive of attorney's fees and costs.
2. That at all times material hereto, Plaintiff, _____, was a resident of Palm Beach County, Florida, with a home address of _____, and is sui juris.
3. That at all times material hereto, Defendant, Winn-Dixie Stores, Inc. (hereinafter "Winn-Dixie"), was and is a Florida Profit Corporation organized and existing under the laws of the State of Florida, with a principal business address of 5050 Edgewood Court, Jacksonville, Florida, 32254.

4. That at all times material hereto, Defendant, Winn-Dixie, owned and/or operated Winn-Dixie store _____, located at _____.
5. The incident which is the subject matter of this litigation occurred in Palm Beach County, Florida.
6. This Honorable Court has jurisdiction over this lawsuit in that the Plaintiff, _____, at the time of the incident resided in Palm Beach County, Florida, the incident which is the basis of this lawsuit took place in Palm Beach County, Florida, and this is an action for money damages for the Plaintiff, _____, against the Defendant, Winn-Dixie, exceeding Fifteen Thousand Dollars (\$15,000.00).

COUNT I
NEGLIGENCE OF DEFENDANT, WINN-DIXIE STORES, INC.

7. Plaintiff, _____, realleges the allegations in Paragraphs One (1) through Six (6) of this Complaint and incorporates them herein.
8. That on or about _____, at approximately 5:15 p.m., _____ was a business invitee at Winn-Dixie store _____, located at _____, owned and/or operated by the Defendant, Winn-Dixie, and was lawfully on the premises for the purpose of shopping for dinner.
9. That after shopping for approximately ten minutes, _____ went to the frozen food aisles looking at pizza in the refrigerated cases and slipped on an unknown substance on the floor which created a fall hazard. The substance was brown and slippery and was tracked up and down the supermarket aisle by previous customers. Mixed in with the unknown substance and the footprints was dirt, illustrating that the dangerous condition existed for such a length of time that, in the exercise of ordinary care, Defendant, Winn-Dixie, had constructive knowledge of the hazard because it should have known of the

condition.

10. That Plaintiff, _____, slipped forward, hitting the freezer and then fell suddenly onto the floor, striking her knees, forearm and elbow. This slip and fall was due to the negligent acts and omissions of Defendant, Winn-Dixie, in that it negligently created a dangerous or negligent condition, to wit:

- A. By failing to provide a safe environment for a business invitee to walk upon;
- B. In failing to keep the said premises in a safe and proper condition for the use of its business invitees; and
- C. In failing to warn the Plaintiff, _____, of the dangerous condition of said failure to keep the premises in a safe condition, which caused the slip and fall at the place where the Plaintiff, _____, was caused to fall.

11. That at the time and place aforesaid, the Defendant, Winn-Dixie, so recklessly or negligently maintained, operated or controlled said premises as to cause the Plaintiff, _____, to be injured thereon at a time when the Defendant, Winn-Dixie, caused the premises to be unsafe, and knew, or by the exercise of ordinary care, should have known, that the said area was not in a reasonably safe condition commensurate with the circumstances of its use by patrons, or in the alternative;

12. At the aforesaid time and place the Defendant, Winn-Dixie, failed to exercise proper care in maintaining the said area in a safe condition, or in the alternative;

13. Employed incompetent, inexperienced, unskilled or careless employees and/or failed to exercise proper supervision of said employees in maintaining the said area in a proper, safe condition, thereby causing serious injuries to the Plaintiff, _____, as herein alleged, or in the alternative;
14. That at the time and place aforesaid, the Defendant, Winn-Dixie, knew or should have known of the existence of the dangerous walking environment and fall hazard for a period of time sufficient to put the Defendant, Winn-Dixie, on notice, and the Defendant, Winn-Dixie, failed under its duty to both clean the area or warn business invitees of said dangerous condition, or in the alternative, the Defendant's, Winn-Dixie's, employees knew of the existence of the "dangerous environment" in the area, and in the exercise of their duty to maintain the said area in a reasonably safe condition for the invitees' use, so carelessly and negligently maintained said area that it was, in fact, a hazard, and it caused the Plaintiff, _____, to fall violently substantially injuring herself.
15. That as a direct and proximate result of the said negligence by Defendant, Winn-Dixie, the Plaintiff, _____, has suffered bodily injury, and resulting pain and suffering, disability, mental anguish and loss of earnings and has incurred substantial medical expenses for treatment and care, past, present and future. Said losses, injuries, and expenses are either permanent or continuing in nature and Plaintiff, _____, will continue to suffer same in the future.

WHEREFORE, Plaintiff, _____, demands judgment for damages against Defendant, Winn-Dixie, in an amount exceeding Fifteen Thousand Dollars (\$15,000.00) together with the costs of this action.

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY OF ALL ISSUES SO TRIABLE

DATED: _____

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