

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

Tina M. Griffey

Plaintiff,

Case Number _____

vs.

Fergs Sports Bar and Grill, Inc., and

Phoenix Productions Live, LLC.

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

The Plaintiff by and through the undersigned counsel, sues the Defendant, and in support thereof states the following:

1. This is an action for in excess of fifteen thousand (\$15,000.00) dollars.
2. The acts of negligence as alleged below, were committed in Pinellas County, Florida.
3. Plaintiff is a resident of Pinellas County, Florida.
4. Defendant Ferg's Sports Bar and Grill, Inc.,(herein after "Fergs" conducts business in Pinellas County and advertises under the trade name/business name "Ferg's". The complained of events took place at Defendant's down town St. Petersburg, Florida location. Defendant Phoenix Productions Live, LLC., is located in Pinellas County and, upon information and belief, organizes musical concert related events, including events in Pinellas County. For the purposes of this action, Defendant Ferg's and Defendant Phoenix Productions Live, LLC, conducted themselves as a joint venture.

5. This court has subject matter jurisdiction.

STATEMENT OF FACTS

6. Plaintiff re-alleges and incorporates paragraphs one through five as if set forth herein.

7. Plaintiff was a invitee and/or customer upon Defendant's property during all material times on or about November 13, 2015, the date that Plaintiff was injured on account of Defendants' negligence.

8. On or about November 13, 2015 Plaintiff was on Defendant Ferg's real property above referenced property for the purpose of making a purchases of food and drink and attending a concert that featured a band known commonly as Blue Oyster Cult. Defendant Ferg's, had an arrangement with Defendant Phoenix Productions Live, LLC., in which Defendant Phoenix Productions Live, LLC., would organize the above referenced concert for the benefit of Defendant's Ferg's guests.

9. Plaintiff was injured due to the combined negligence of Defendants' who acted as a joint venture in regards to the above referenced concert. Defendants' combined negligence included not properly supervising the egress and ingress of Plaintiff upon the performance stage as well as failing to ensure that the egress and ingress was sufficiently clear and free of debris and defect for the benefit of safe travel by patrons, particularly Plaintiff. More specifically, Defendants invited Plaintiff upon the performance stage of the Blue Oyster Cult, yet left debris and concert related items and utilities strung about in unacceptably low lighting conditions, without supervision or any railing or other supporting devices, thereby causing Plaintiff to get her person stuck into various cables, cords and binders, resulting in Plaintiff suffering severe injury bodily injury, including but not limited to both ankles.

10. Plaintiff was lawfully on the property at all material times on or about November 13, 2015. Plaintiff was forced to seek medical care and treatment at her own expense or at the expense of ancillary sources. Defendants' did immediately accept responsibility and even offered to pay for Plaintiff's medical care and treatment, but reneged once Plaintiff put Defendant's on notice regarding the full extent of her injuries.

11. The full nature and scope of Plaintiff's injuries have yet to be determined. Upon information and belief, certain aspects of Plaintiff's injuries are reasonably believed to be permanent in nature and said injuries are believed to require additional medical care and treatment.

12. As a direct and proximate result of Defendants negligence Plaintiff has been injured and requires further medical care and treatment.

13. Prior to Defendants acts of negligence, Plaintiff was fully capable of performing her activities of daily living without pain or undue difficulty. In fact, Plaintiff was fully functioning and able to perform his activities of daily living prior to this injury.

14. Defendants owed Plaintiff a duty of care with respect to Plaintiff's safety as a customer and/or invitee on Defendant's property. Defendants breached their duty to Plaintiff and Defendants was negligent with regard to Plaintiff's safety because Defendants failed to maintain a path or method of safe ingress and egress in regards to Defendants property. Defendants, as described above created a patently foreseeable situation for Defendants, who knew or should have known that the property defects referenced above would foreseeably result in injury to Plaintiff. These conditions and safety defects were not made known to Plaintiff and were not visible to Plaintiff until after Plaintiff had been injured.

15. Defendants' negligence is the natural and proximate result of Plaintiff's injuries and said injuries have resulted in bodily injury, mental anguish, loss of capacity for the enjoyment of life, loss of income earning potential, the expense of hospitalization and associated medical care. Plaintiff's losses are either permanent or continuing and Plaintiff is reasonably expected to suffer further losses in the future.

16. Plaintiff timely notified Defendants of her injuries and of the occurrence of this accident. Upon information and belief, Defendants agents/servants/employees were present and on the scene and otherwise made aware of the above described incident which injured Plaintiff.

17. Defendants are liable for the injuries of Plaintiff as described above as Defendants' were negligent in maintaining a safe egress and ingress onto the property described above thereby creating a hazard that was foreseeable as such could and did result in injuries to Plaintiff and Plaintiff would not have suffered personal injury but for Defendants' negligence.

WHEREFORE, Plaintiff demands judgment for her damages against Defendants to the fullest extent provided by law.

Dated: August 4, 2017

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