

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

ALEJANDRO URIBE,

Plaintiff,

Case No:

vs.

JEFFREY HATJIOANNOU, individually; and
KWIK1 ENTERTAINMENT, INC., a Florida
Corporation, d/b/a BOOMERANG MARTINI
BAR; and A.J. CARDINAL GROUP, LLC, a
Florida Limited Liability Company, d/b/a
EAGLE ONE SECURITY FORCE; and
ANDRE JENNINGS, SR., individually,

Defendants. /

COMPLAINT

COMES NOW the Plaintiff, ALEJANDRO URIBE, by and through his undersigned counsel and sues the Defendants, JEFFREY HATJIOANNOU, an individual, KWIK1 ENTERTAINMENT, INC. a Florida corporation d/b/a BOOMERANG MARTINI BAR, A.J. CARDINAL GROUP, LLC, a Florida Limited Liability Company d/b/a EAGLE ONE SECURITY FORCE and ANDRE JENNINGS, SR., an individual, and as grounds therefore states as follows:

1. This is an action for damages which exceeds the sum of Fifteen Thousand Dollars (\$15,000.00) exclusive of interest, costs and attorney's fees.
2. The incident giving rise to this Complaint occurred in Hillsborough County, Florida.
3. At all times material hereto, the Defendant, JEFFREY HATJIOANNOU (hereinafter "HATJIOANNOU"), was a resident of Hillsborough County, Florida.

4. At all times material hereto, Defendant, KWIK1 ENTERTAINMENT, INC., (hereinafter “KWIK1”), a Florida Profit Corporation, was authorized and doing business in Hillsborough County, Florida under the fictitious name of BOOMERANG MARTINI BAR (hereinafter “BOOMERANG MARTINI BAR”).

5. At all times material hereto, Defendant, A.J. CARDINAL GROUP, LLC, (hereinafter “A.J. CARDINAL”), a Florida Profit Limited Liability Corporation, was authorized and doing business in Hillsborough County, Florida under the fictitious name EAGLE ONE SECURITY FORCE, (hereinafter “EAGLE ONE”).

6. At all times material hereto, the Defendant, ANDRE JENNINGS, SR. (hereinafter “JENNINGS”), was a resident of Hillsborough County, Florida.

7. The subject incident occurred at the BOOMERANG MARTINI BAR located at 2016 Town Center Blvd., Brandon, FL 33511 (hereinafter the “Subject Property”), on or about December 22, 2012.

8. Alcohol was being served at the BOOMERANG MARTINI BAR during and around the time of the subject incident.

9. At all times material hereto, Defendant KWIK1 operated and/or leased and/or managed and/or controlled the Subject Property.

10. At all times material hereto, Defendant HATJIOANNOU owned and/or operated and/or managed and/or controlled the Subject Property

11. At all times material hereto, Defendant KWIK1 operated and/or leased and/or managed and/or controlled the building/structure located at the Subject Property.

12. At all times material hereto, Defendant HATJIOANNOU owned and/or operated and/or managed and/or controlled the building/structure located at the Subject Property.

13. At all times material hereto, Defendant KWIK1 owned and/or operated and/or maintained and/or managed and/or controlled the club/bar/lounge/tavern known as BOOMERANG MARTINI BAR at the Subject Property.

14. That numerous calls of criminal activity had occurred at or around the premises of the Subject Property, for the several months and years immediately preceding December 22, 2012, consisting of numerous episodes of trespassers, narcotic/alcohol violations, disturbances, fights, assault/battery, suspicious persons, burglary, robbery, and even a prior shooting.

15. As a result of the criminal activity at the Subject Property, Defendant KWIK1 and/or Defendant HATJIOANNOU hired Defendant A.J. CARDINAL to provide security services at the subject premises.

16. Defendant JENNINGS is the Manager, owner and an employee of Defendant A.J. CARDINAL.

17. Plaintiff, ALEJANDRO URIBE, was lawfully on the premises of BOOMERANG MARTINI BAR at the Subject Property as a lawful business invitee and patron on or about December 22, 2012.

18. On December 22, 2012, patrons were allowed inside the BOOMERANG MARTINI BAR without being searched for weapons.

19. On December 22, 2012, properly functioning metal “wands,” used to determine the presence of weapons, were available at the Subject Property, but were not used.

20. On December 22, 2012, Defendant JENNINGS was working at the Subject Property in the capacity of a security guard employed by Defendant A.J. CARDINAL.

21. On December 22, 2012, unbeknownst to the Plaintiff, ALEJANDRO URIBE, an altercation occurred between Defendant JENNINGS and another invitee during which firearms were displayed in the parking lot of the Subject Property and a gun battle broke out.

22. As a result of this gun battle, the Plaintiff, ALEJANDRO URIBE was shot in the leg.

COUNT I

NEGLIGENCE CLAIM AGAINST DEFENDANT JEFFREY HATJIOANNOU

Plaintiff, ALEJANDRO URIBE, reiterates and realleges paragraphs 1 through 22 herein and further alleges:

23. Defendant, JEFFREY HATJIOANNOU, had a duty to keep the premises located at 2016 Town Center Blvd., Brandon, FL 33511, in a reasonable safe condition and to protect invitees on the Subject Property from harm due to reasonably foreseeable risks of injury.

24. Defendant, JEFFREY HATJIOANNOU, knew or should have known of a dangerous condition on the Subject Property likely to cause harm to invitees.

25. Defendant, JEFFREY HATJIOANNOU, was on actual and/or constructive notice of a dangerous condition on the Subject Property located at 2016 Town Center Blvd., Brandon, FL 33511, likely to cause harm to invitees.

26. Defendant, JEFFREY HATJIOANNOU, was on actual and/or constructive notice of the crime and/or incidents of criminal behavior at 2016 Town Center Blvd., Brandon, FL 33511.

27. Defendant JEFFREY HATJIOANNOU breached his duty owed to the Plaintiff ALEJANDRO URIBE by among other things::

- a. failing to warn Plaintiff ALEJANDRO URIBE and other invitees, of the dangerous conditions on the Subject Property likely to cause harm to its invitees.
- b. failing to take reasonable security precautions to protect invites from harm on the Subject Property.
- c. failing to provide reasonable security measures to protect invitees from harm on the Subject Property.
- d. failing to provide adequate security on the Subject Property.
- e. creating a foreseeable and unreasonable risk of harm.
- f. exposing Plaintiff ALEJANDRO URIBE and other invitees on the Subject Property to a foreseeable and unreasonable risk of harm.
- g. failing to maintain or adequately maintain the Subject Property.
- h. failing to exercise reasonable care for the safety of Plaintiff ALEJANDRO URIBE and other invitees.
- i. failing to properly hire and/or train and/or staff and/or supervise personnel.

28. As a result of the negligence of Defendant, JEFFREY HATJIOANNOU, Plaintiff, ALEJANDRO URIBE, was shot in the leg and suffered bodily and mental injury, and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of ability to earn income, and aggravation of previously existing condition. The losses are either permanent or continuing.

29. The Plaintiff, ALEJANDRO URIBE, will suffer or incur the permanent injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, ALEJANDRO URIBE, demands judgment for damages, costs, prejudgment interest for that portion of the damages that have been previously liquidated, and any other relief this Court deems appropriate against Defendant JEFFREY HATJIOANNOU.

COUNT II

NEGLIGENCE CLAIM AGAINST KWIK1 ENTERTAINMENT, INC.

Plaintiff, ALEJANDRO URIBE, reiterates and realleges paragraphs 1 through 22 herein and further alleges:

30. Defendant KWIK1 had a duty to keep the premises located at 2016 Town Center Blvd., Brandon, FL 33511, in a reasonable safe condition and to protect invitees on the Subject Property from harm due to reasonably foreseeable risks of injury.

31. Defendant KWIK1 knew or should have known of a dangerous condition on the Subject Property likely to cause harm to invitees.

32. Defendant KWIK1 was on actual and/or constructive notice of a dangerous condition on the Subject Property located at 2016 Town Center Blvd., Brandon, FL 33511, likely to cause harm to invitees.

33. Defendant KWIK1 was on actual and/or constructive notice of the crime and/or incidents of criminal behavior at 2016 Town Center Blvd., Brandon, FL 33511.

34. Defendant KWIK1 breached the duty it owed to Plaintiff ALEJANDRO URIBE by among other things:

- a. failing to warn Plaintiff ALEJANDRO URIBE of the dangerous conditions on the Subject Property likely to cause harm to its invitees.
- b. failing to take reasonable security precautions to protect invites from harm on the Subject Property.

- c. failing to provide reasonable security measures to protect invitees from harm on the Subject Property.
- d. failing to provide adequate security on the Subject Property.
- e. creating a foreseeable and unreasonable risk of harm.
- f. exposing the Plaintiff ALEJANDRO URIBE and other invitees to a foreseeable and unreasonable risk of harm.
- g. failing to maintain or adequately maintain the Subject Property.
- h. failing to exercise reasonable care for the safety of the Plaintiff ALEJANDRO URIBE.
- i. failing to properly hire and/or train and/or staff and/or supervise personnel.

35. As a result of the negligence of Defendant KWIK1, Plaintiff ALEJANDRO URIBE, was shot in the leg and suffered bodily and mental injury, and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of ability to earn income, and/or aggravation of previously existing condition. The losses are either permanent or continuing.

36. The Plaintiff, ALEJANDRO URIBE, will suffer or incur the permanent injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, ALEJANDRO URIBE, demands judgment for damages, costs, prejudgment interest for that portion of the damages that have been previously liquidated, and any other relief this Court deems appropriate against Defendant KWIK1 ENTERTAINMENT, INC.

COUNT III

NEGLIGENCE CLAIM AGAINST A.J. CARDINAL GROUP, LLC.

Plaintiff, ALEJANDRO URIBE, reiterates and realleges paragraphs 1 through 22 herein and further alleges:

37. Defendant, A.J. CARDINAL, had a duty to keep the premises located at 2016 Town Center Blvd., Brandon, FL 33511, in a reasonable safe condition and to protect invitees on the Subject Property from harm due to reasonably foreseeable risks of injury.

38. Defendant A.J. CARDINAL had a duty to protect invitees on the Subject Property it secures from foreseeable criminal conduct by a third person.

39. Defendant A.J. CARDINAL knew or should have known of a dangerous condition on the Subject Property likely to cause harm to invitees.

40. Defendant A.J. CARDINAL was on actual and/or constructive notice of a dangerous condition on the Subject Property located at 2016 Town Center Blvd., Brandon, FL 33511, likely to cause harm to invitees.

41. Defendant A.J. CARDINAL was on actual and/or constructive notice of the crime and/or incidents of criminal behavior at 2016 Town Center Blvd., Brandon, FL 33511 on December 22, 2012.

42. Defendant A.J. CARDINAL breached the duty it owed to Plaintiff ALEJANDRO URIBE by among other things:

- a. failing to warn Plaintiff ALEJANDRO URIBE of the dangerous conditions on the Subject Property likely to cause harm to its invitees.
- b. failing to take reasonable security precautions to protect invites from harm on the Subject Property.

- c. failing to provide reasonable security measures to protect invitees from harm on the Subject Property.
- d. failing to provide adequate security on the Subject Property.
- e. creating a foreseeable and unreasonable risk of harm.
- f. exposing Plaintiff, ALEJANDRO URIBE and other invitees to a foreseeable and unreasonable risk of harm.
- g. failing to maintain or adequately maintain the Subject Property.
- h. failing to exercise reasonable care for the safety of Plaintiff, ALEJANDRO URIBE and other invitees.
- i. failing to properly hire and/or train and/or staff and/or supervise personnel.

43. As a result of the negligence of Defendant, A.J. CARDINAL, Plaintiff, ALEJANDRO URIBE, was shot in the leg and suffered bodily and mental injury, and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of ability to earn income, and aggravation of previously existing condition. The losses are either permanent or continuing.

44. The Plaintiff, ALEJANDRO URIBE, will suffer or incur the permanent injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, ALEJANDRO URIBE, demands judgment for damages, costs, prejudgment interest for that portion of the damages that have been previously liquidated, and any other relief this Court deems appropriate against the Defendant A.J. CARDINAL GROUP, LLC. d/b/a EAGLE ONE SECURITY FORCE.

COUNT IV

NEGLIGENCE CLAIM AGAINST ANDRE JENNINGS, SR.

Plaintiff, ALEJANDRO URIBE, reiterates and realleges paragraphs 1 through 22 herein and further alleges:

45. Defendant ANDRE JENNINGS, SR. (“JENNINGS”), had a duty to keep the premises located at 2016 Town Center Blvd., Brandon, FL 33511, in a reasonable safe condition and to protect invitees on the Subject Property from harm due to reasonably foreseeable risks of injury.

46. Defendant JENNINGS had a duty to protect invitees on the Subject Property he was securing from foreseeable criminal conduct by a third person.

47. Defendant JENNINGS in his capacity as an armed security officer had a duty to act with reasonable care for the safety of other before brandishing and/or discharging his firearm.

48. Defendant JENNINGS knew or should have known of a dangerous condition on the Subject Property likely to cause harm to invitees.

49. Defendant JENNINGS knew or should have known that engaging in a gun battle would likely lead to injuries to innocent patrons and/or invitees on the Subject Property.

50. Defendant JENNINGS was on actual and/or constructive notice of a dangerous condition on the Subject Property located at 2016 Town Center Blvd., Brandon, FL 33511, likely to cause harm to invitees.

51. Defendant JENNINGS was on actual and/or constructive notice of the crime and/or incidents of criminal behavior at 2016 Town Center Blvd., Brandon, FL 33511.

52. Defendant JENNINGS breached his duty by among other things:

- a. failing to take reasonable security precautions to protect invites from harm on the Subject Property.
- b. failing to provide reasonable security measures to protect invitees from harm on the Subject Property.
- c. failing to provide adequate security on the Subject Property.
- d. creating a foreseeable and unreasonable risk of harm.
- e. exposing Plaintiff, ALEJANDRO URIBE and other invitees to a foreseeable and unreasonable risk of harm.
- f. failing to exercise reasonable care for the safety of Plaintiff, ALEJANDRO URIBE and other invitees on the Subject Property.
- g. failing to use a reasonable standard of care in the use and /or discharging of his firearm.

53. As a result of the negligence of Defendant, JENNINGS, Plaintiff, ALEJANDRO URIBE, was shot in the leg and suffered bodily and mental injury, and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of ability to earn income, and aggravation of previously existing condition. The losses are either permanent or continuing.

54. The Plaintiff, ALEJANDRO URIBE, will suffer or incur the permanent injuries, expenses and impairment in the future.

WHEREFORE, Plaintiff, ALEJANDRO URIBE, demands judgment for damages, costs, prejudgment interest for that portion of the damages that have been previously liquidated, and any other relief this Court deems appropriate against the Defendant JENNINGS.

JURY TRIAL DEMAND

The Plaintiff, ALEJANDRO URIBE, hereby requests a jury trial on all issues so triable.

DATED this 8th day of March, 2016.

Respectfully submitted,

/s/ John D. Andreopoulos, Esq.
JOHN D. ANDREOPOULOS, Esq.
Florida Bar No.: 0185272
Andreopoulos Law Firm
1014 U.S. Highway 19, Suite 110
Holiday, FL 34691
Phone: (727) 939-0000
Fax: (727) 939-0005
John@FLinjury.Lawyer
Attorney for the Plaintiff