

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

CASE NO:
DIVISION:
JUDGE:

Jorden Hall, individually;

Naadra Beckett as Personal Representative of
the Estates of Zi'Aire Mack & Ya'Sire Smith,
deceased, for and on behalf of the Estates and
survivors thereof;

Lloyd Hall as Personal Representative of the
Estate of Leiana Hall, deceased, for and on
behalf of the Estate and survivors thereof;

Anntianette Edwards as Personal
Representative of the Estate of Kamdien
Edwards, deceased, for and on behalf of the
Estate and survivors thereof;

Michael Hall as Personal Representative of the
Estate of Michael Hall, Jr., deceased, for and on
behalf of the Estate and survivors thereof;

Ian Hall as Personal Representative of the
Estate of Immani Hall, deceased, for and on
behalf of the Estate and survivors thereof;

Charles Tucker as Personal Representative of
the Estate of Anyia Tucker, deceased, for and
on behalf of the Estate and survivors thereof;

Charles Tucker as Executor de so tort Na'Leia
Tucker deceased, for and on behalf of the
Estate and survivors thereof;

James Waters as Personal Representative de
son tort Pamela Wiggins, for and on behalf of
the Estate and survivors thereof;

Plaintiffs,

Vs.

RS&H, INC., a Florida profit corporation;

AIM ENGINEERING & SURVEYING, INC.,
a Florida profit corporation;

FLORIDA ROADWAY GUARDRAIL &
SIGNS, INC., a Florida profit corporation;

UNITED STATES SUGAR CORPORATION,
a foreign profit corporation;

NEW HOPE SUGAR COMPANY, a Florida
profit corporation;

FLORIDA DEPARTMENT OF
TRANSPORTATION, an agency of the State
of Florida; and

PALM BEACH COUNTY; a political
subdivision of the State of Florida;

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, (1) Jordan Hall; (2) Naadra Beckett as Personal Representative of the Estates of Zi'Aire Mack & Ya'Sire Smith, deceased, for and on behalf of the Estates and survivors thereof; (3) Lloyd Hall as Personal Representative of the Estate of Leiana Hall, deceased, for and on behalf of the Estate and survivors thereof; (4) Anntianette Edwards as Personal Representative of the Estate of Kamdien Edwards, deceased, for and on behalf of the Estate and survivors thereof; (5) Michael Hall as Personal Representative of the Estate of Michael Hall, Jr., deceased, for and on behalf of the Estate and survivors thereof; (6) Ian Hall as Personal Representative of the Estate of Immani Hall, deceased, for and on behalf of the Estate

and survivors thereof; (7) Charles Tucker as Personal Representative of the Estate of Anyia Tucker, deceased, for and on behalf of the Estate and survivors thereof; (8) Charles Tucker as Executor de son tort of the Estate of Na'Leia Tucker deceased, for and on behalf of the Estate and survivors thereof; and (9) James Waters as Personal Representative of the Estate of Pamela Wiggins, for and on behalf of the Estate and survivors thereof by and through undersigned counsel, sue Defendants: (1) RS&H, INC., a Florida profit corporation; (2) AIM ENGINEERING & SURVEYING, INC., a Florida profit corporation; (3) FLORIDA ROADWAY GUARDRAIL & SIGNS, INC., a Florida profit corporation; (4) UNITED STATES SUGAR CORPORATION, a foreign profit corporation; (5) NEW HOPE SUGAR COMPANY, a Florida profit corporation; (6) FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida; and (7) PALM BEACH COUNTY; a political subdivision of the state of Florida; and allege as follows:

Introduction

1. On August 5, 2024, at approximately 7:30 pm a rented 2023 Ford Explorer was westbound on Hatton Highway. The driver, on vacation in Florida, was following a marked detour due to road construction on the highway on the route to the Palm Beach airport rental car return. There were 10 occupants in the SUV, a 56-year-old driver and nine family member passengers ranging from 1 to 29 years of age. For reasons that will be explained herein, the Ford SUV departed the roadway at the site of a dangerous curve, struck a defective metal beam guardrail, and entered a canal running parallel to the west side of the roadway. Nine family members drowned while trapped in the water.

Jurisdiction & Venue

2. This is an action for damages in excess of \$75,000.00, exclusive of interest, costs, and attorneys' fees.

3. Jurisdiction is proper in this Court pursuant to Article V, §5 of the Florida Constitution and sections 26.012 and 768.28, Florida Statutes.

4. Venue is proper in Palm Beach County, Florida, because the subject crash occurred in Palm Beach County and several Defendants conduct business or own property therein.

5. All conditions precedent to filing this action have been performed or waived and Plaintiffs are suing FDOT and Palm Beach County for operational-level negligence.

Parties

6. Plaintiffs are Jordan Hall, individually, the lone survivor of the crash; and the appointed personal representatives of nine individuals killed in the crash:

A Naadra Beckett as Personal Representative of the Estate of Zi'Aire Armani Mack (Commonwealth of Virginia; Court File No. 250000181 (Feb. 27, 2025))

B. Naadra Beckett as Personal Representative of the Estate Ya'Sire Gerard Smith (Commonwealth of Virginia; Court File No. 250000180 (Feb. 27, 2025))

C. Lloyd Hall as Personal Representative of the Estate of Leiana Hall (Connecticut Court of Probate Case: 25-00045, Jan. 10, 2025)

D. Anntianette Edwards as Personal Representative of the Estate of Kamdien Edwards (Palm Beach County, Probate File No.: 50-2024-CP-005448, Dec. 6, 2024)

E. Michael Hall as Personal Representative of the Estate of Michael Hall, Jr., (Palm Beach County, Probate File No.: 50-2024-CP-005699, Jan. 9, 2025)

F. Ian Hall as Personal Representative of the Estate of Immani Hall (Palm Beach County, Probate File No.: 50-2024-CP-005518, Dec. 18, 2024)

G. Charles Tucker as Personal Representative of the Estate of Na'Leia Tucker, deceased, for and on behalf of the Estate and survivors thereof (2025-CP-000400);

H. Charles Tucker as Executor de son Tort of the Estate of Anyia Tucker, deceased, for and on behalf of the Estate and survivors thereof; and

I. James Waters as Personal Representative de son tort of the Estate of Pamela Wiggins, for and on behalf of the Estate and survivors thereof;

7. Defendant RS&H, INC., is a Florida profit corporation. RS&H served as the Construction Engineering firm responsible for detour planning, evaluation, and implementation associated with the SR-700 resurfacing project. Plaintiff Jordan Hall and the decedents were traveling on the designated Hatton Highway detour route at the time of the crash.

8. Defendant AIM ENGINEERING & SURVEYING, INC., is a Florida profit corporation that designed or participated in the design of roadway and guardrail plans applicable to Hatton Highway.

9. Defendant FLORIDA ROADWAY GUARDRAIL & SIGNS, INC., is a Florida profit corporation that installed, repaired, and/or maintained the subject metal beam guardrail which failed in this crash.

10. Defendant UNITED STATES SUGAR CORPORATION, is a foreign profit corporation that owned and continues to own an unpermitted dirt driveway connecting to Hatton Highway which splits the guardrails at the location of the crash.

11. Defendant NEW HOPE SUGAR COMPANY, is a Florida profit corporation that owned the land surrounding the turn which contained overgrown vegetation obstructing the driver's view of the roadway and concealing the severity of the approaching curve.

12. Defendant FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, exercised ownership, control, maintenance authority, and permitting authority over Hatton Highway and the detour.

13. Defendant PALM BEACH COUNTY, a political subdivision of the state of Florida; owned, controlled, maintained, and exercised roadway authority over Hatton Highway and approved its use as a detour route.

Allegations Applicable to All Counts

14. On August 5, 2024, at approximately 7:30 p.m., a rented 2023 Ford Explorer was traveling westbound on Hatton Highway near Belle Glade, Florida.

15. The occupants unfamiliar with the area and on a family vacation to Florida were driving from Cape Coral back to Palm Beach International Airport.

16. The occupants of the Ford SUV were as follows: Pamela Wiggins (56), the driver; Michael Hall, Jr. (14), the front seat passenger; Nalia Tucker (1), Anyia Tucker (21), Ziaire Mack (2), Jordan Hall (25), and Leiana Hall (29), the second-row passengers; and Yasire Smith (4), Kamdien Edwards (4) and Imani Hall (8), the third-row passengers.

17. Due to an FDOT resurfacing project on SR-700 (Conners Highway), all traffic, including the Plaintiffs/decedents, were detoured onto Hatton Highway for approximately 12 miles.

18. Unlike SR-700, Hatton Highway is a poorly maintained rural roadway with sharp compound curves, missing warning signs, narrow shoulders, missing roadway striping, visual obstructions, canals adjacent to the roadway, and a documented history of crashes.

19. Hatton Highway is mainly aligned north to south, however, where the crash occurred the highway is aligned east to west. The highway consisted of two travel lanes, one westbound and one eastbound. Each lane was approximately 12 feet wide. While a low-volume highway such as Hatton Highway would normally have two feet of shoulder space, the location at issue varied between .7 and 1.7 feet in the tangent section and 0 and 1.5 feet within the compound horizontal curve.

20. The crash occurred on Hatton Highway near Belle Galde, Palm Beach County, Florida, at the coordinates of 26.768753 degrees latitude and -80.554349 degrees longitude.

21. This section of the highway includes two consecutive curves before and at the crash location. In highway design, accepted practice for compound curves is that the ratio between a flatter curve and a sharper curve should not exceed 1.5 to 1. The curve ratio at the crash site was approximately 3.3 to 1, which exceeds accepted design standards.

22. Prior to the incident at issue, there had been 26 crashes on Hatton Highway within one mile of the crash at issue herein and of those, 19 (73%) occurred on the curve at issue (Jan. 2011 through May 2024). Of those 19, 14 crashes involved vehicles impacting the guardrail.

23. At this location, canals lined both shoulders which led to agricultural fields.

24. There was a sight obstruction created by the agricultural crop in the farms south and east of Hatton Highway, owned by New Hope Sugar Corp., that affected sight distance for motorists traveling on Hatton Highway at the crash site, unaware of the sharp curve.

25. The westbound approach was straight before transitioning into a leftward horizontal curve. The curve connected the east-west tangent with the north-south tangent at an approximate 90-degree angle.

26. The speed limit at the location of the crash was 55 mph. There was, however, a mounted advisory speed plaque, 414 feet in advance of the beginning of the curve, with an advisory speed limit of 20 mph.

27. There was supposed to be a large one-directional arrow sign at the sight of the crash to warn motorists of the approaching ninety-degree turn. However, on the date of the crash that sign had been missing for more than a year and was subsequently located under a large pile of vegetation behind the crash site.

28. At the location of the crash, there were two sections of guardrails separated by a private dirt road running through what would otherwise be a solid guardrail. Instead of continuing to follow the alignment of the roadway, the curvature of the guardrail reversed as it neared the unpermitted road, creating the misimpression that the road continued straight.

29. The Plaintiffs/decedents' vehicle, traveling westbound on Hatton Highway, failed to traverse the 90-degree left turn. The SUV departed the roadway, struck the defective guardrail and landed upside down and partially submerged in a canal just beyond the guardrail.

30. Nine occupants of the SUV drowned in the canal.

31. Jordan Hall was the lone survivor.

32. Jordan Hall tried unsuccessfully to save the other occupants of the SUV.

33. As a result of the crash and the aftermath, Jordan Hall suffered significant personal injuries and severe emotional distress caused by the psychological trauma of what he felt, observed, and experienced.

34. As a direct and proximate result of the negligence asserted herein which caused the crash, Jordan Hall has suffered discernable, demonstrable bodily injuries, severe emotional injuries, aggravation of any pre-existing conditions, resulting pain and suffering, disabilities, mental anguish, loss of capacity for the enjoyment of his life, medical and nursing care and treatment, loss of ability to care for home or household, loss of earnings and loss of ability to earn money. These losses are either permanent or continuing and Jordan Hall will continue to suffer these losses in the future.

35. As a result of the negligence, the Estates of Zi'Aire Armani Mack; Ya'Sire Gerard Smith; Leiana Hall; Kamdien Edwards; Michael Hall, Jr.; Immani Hall; Na'Leia Tucker, Anyia Tucker, and Pamela Wiggins are each entitled to receive the following damages:

- a. Funeral expenses;
- b. The value of prospective net accumulations of the Estate.

Zi'Aire Armani Mack (age 2) & Ya'Sire Smith (age 4)

36. As a result of the negligence, Naadra Beckett as surviving mother of Zi'Aire Mack and Ya'Sire Mack, and Jamie Mack as surviving father of Za'Aire Mack, are entitled to receive the following damages as a result of Zi'Aire Armani Mack & Ya'Sire Smith's injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Leiana Hall (age 29)

37. As a result of the negligence, Lloyd Hall as surviving father, is entitled to receive the following damages as a result of Leiana Hall's injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Kamdien Edwards (age 4)

38. As a result of the negligence, Anntianette Edwards as surviving mother and Paul Raynor as surviving father, are each entitled to receive the following damages as a result of Kamdien Edward's injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Michael Hall, Jr. (age 14)

39. As a result of the negligence, Ammoya Sundar as surviving mother and Ian Hall as surviving father, are each entitled to receive the following damages as a result of Michael Hall, Jr.'s injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Na'Leia Tucker (age 1)

40. As a result of the negligence, Charles Tucker as surviving grandfather, is entitled to receive the following damages as a result of Na'Leia Tucker's injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Anyia Tucker (age 21)

41. As a result of the negligence, Charles Tucker as surviving father, is entitled to receive the following damages as a result of Anyia Tucker's injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Pamela Wiggins (age 59)

42. As a result of the negligence, Jordan Hall, Patrice Wiggins, and Jamie Mack as surviving children, are each entitled to receive the following damages as a result of Pamela Wiggins' injury and death:

- a. Mental pain and suffering;
- b. Loss of support and services.

Count I: RS&H

43. The allegations of paragraphs 1 through 42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

44. RS&H was the construction engineering firm managing the roadway work on Conners Highway. At all times material, RS&H was responsible for planning, designing, selecting, implementing, and/or maintaining detours and traffic control measures relating to a road closure and construction activity on Conners Highway.

45. On August 5, 2022, RS&H proposed the Hatton Highway detour and obtained permission from Palm Beach County on August 10, 2022, to implement the detour.

46. Prior to implementing the Hatton Highway detour, RS&H selected the roadway as a safe and appropriate route for motorists but either failed to appreciate any of the myriad

defects which rendered the detour unsafe, or alternatively recognized the defects but nevertheless proceeded with the detour despite the danger.

47. The detour selected and implemented by RS&H was inherently unsafe, hazardous, negligently maintained, and lacked adequate warnings, signage, striping, and guardrails to warn motorists of dangerous conditions and to provide reasonable protections to motorists utilizing the winding country detour instead of the highway.

48. RS&H owed a duty to members of the public, including the Plaintiffs, to exercise reasonable care in selecting and maintaining detours and implementing traffic control measures that would reasonably be expected to provide safe passage for vehicular travel.

49. RS&H negligently breached its duty by, in one or more of the following ways:
- A. Selecting an unsafe detour route that exposed motorists to unreasonable risks of harm;
 - B. Failing to install adequate warning signs, barriers, striping, or traffic control devices on the chosen detour route;
 - C. Failing to replace missing warning signs, missing striping and unsafe guardrails prior to selecting Hatton Highway as a detour route;
 - D. Failing to ensure that the detour met recognized standards (including the Manual of Uniform Traffic Control Devices); and/or
 - E. Failing to warn motorists of known or foreseeable hazards associated with the detour that motorists unfamiliar with Hatton Highway would not otherwise be aware.

50. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs/decedents' injuries and death.

51. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33-42.

WHEREFORE, Plaintiffs demand judgment against Defendant RS&H, INC. for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Count II: AIM Engineering & Surveying

52. The allegations of paragraphs 1 through 42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

53. AIM Engineering & Surveying designed or participated in the design of the guardrails at the location of the crash.

54. At the location of the crash, there were two sections of guardrails separated by a private dirt road running through what should have been a solid guardrail.

55. At the crash site, there were two separate semi-rigid strong post beam barrier systems adjacent to the north road edge. As the North guardrail neared the unpermitted dirt road, it straightened and deviated away from alignment before terminating near the unpermitted dirt road. When the guardrail deviated from alignment at Station 2+50, the lateral offset distance steadily increased, from three feet to 15.9 feet, measured perpendicular to the road edge.

56. Instead of continuing to follow the alignment of the roadway, the curvature of the guardrail reverses as it nears the unpermitted road providing misleading visual clues that the roadway continues straight instead of turning 90 degrees.

57. The West guardrail was the barrier impacted and damaged during the crash sequence. It was 126.4 feet in length and located west of the north road edge.

58. The West guardrail began with the tangent at Station 1+13.2 and generally followed the alignment of the roadway. However, as the guardrail neared the unpermitted dirt

road, rather than following the alignment of the horizontal curve, its curvature reversed and the guardrail deviated away from the alignment before terminating near the unpermitted dirt road.

59. At its terminal end, the lateral offset of the West guardrail was 18.4 feet, measured perpendicular to the road edge. The posts for the West guardrail were located on the slope that led to the canal.

60. When a barrier is placed on slopes steeper than 1V: 10H (1-foot vertical for every 10-foot horizontal), studies have shown that, an errant vehicle may go over many standard roadside barriers or impact them too low.

61. The damaged section of the guardrail, except for post #21, was installed on slopes that were generally not recommended per AASHTO guidance. The height of the top of the W-rail of the guardrail varied between 1.3 and 2.4 feet above the road edge of Hatton Highway

62. According to specifications in the FDOT Design Manual, the standard offset for W-beam guardrail is the full shoulder plus two feet, are not to exceed 12 feet, barriers are to be installed on sloped 1V: 10 H or flatter, but where conditions are constrained, the deep post guardrail option may be used.

63. The impacted guardrail did not maintain a 2-foot setback to the slope break point; the posts were installed on the slope between 3.4 and 9.4 feet beyond the slope break point, therefore the deep post guardrail option should have been used, which requires a 9'-0" deep post.

64. The length of the steel post was measured to be 6'-6", the length of standard steel post and not the deep post that should have been utilized.

65. At the location of impact, the top of the W rail was 2.8 feet above ground level and at an elevation of 14.6 feet.

66. A crash involving serious bodily injury or death is a foreseeable consequence of the dangerous guardrail design which presented latent defects not discoverable by reasonable inspection and requiring specialized engineering knowledge to recognize. Not only are drivers more likely to strike the guardrail because of the design, but the weak design also makes those foreseeable crashes more dangerous.

67. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs injuries and death.

68. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33-42.

WHEREFORE, Plaintiffs demand judgment against Defendant AIM ENGINEERING & SURVEYING, INC. for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Count III: Florida Roadway Guardrail & Signs

69. The allegations of paragraphs 1-42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

70. Florida Roadway Guardrail & Signs installed, repaired, and/or maintained the guardrail that failed in this case.

71. The guardrail was negligently or improperly installed either originally or as a result of multiple repairs conducted before the crash at issue in one or more of the following ways:

A. The posts were too short for the slope and “deep posts” should have been utilized instead of regular 6 foot posts;

B. The guardrail was installed (except for post 21) on slopes that were not recommended by AASHTO guidance or generally safe;

C. The guardrail was installed too low at the location of the crash to protect occupants of vehicles striking the guardrail; and/or

D. The guardrails were installed in a unusual and dangerous manner such that they contained a large gap between the guardrails and did not follow the curvature of the roadway – leading motorists to believe that the highway continued straight when it actually turned sharply.

72. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs/decedents’ injuries and death.

73. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33 to 42.

WHEREFORE, Plaintiffs demand judgment against Defendant FLORIDA ROADWAY GUARDRAIL & SIGNS, INC. for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Count IV: U.S. Sugar Corporation

74. The allegations of paragraphs 1 through 42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

75. UNITED STATES SUGAR CORPORATION created, owns and/or controls the unpermitted dirt road located at the crash site.

76. The private dirt road is utilized by US Sugar employees as a shortcut to its fields from Hatton Highway.

77. However, the dirt road precludes the guardrails from connecting and also results in the guardrails not following the curvature of the highway. A unified guardrail would not only be stronger and less likely to catastrophically fail as it did here resulting the victims' injuries and death, it would also provide drivers with visual cues of the curve as opposed to misleading them by curving away from the turn.

78. The location of the unpermitted dirt road negligently interferes with the safe operation of the highway and should not have been placed at a location where it endangered the safety of approaching motorists.

79. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs/decedents' injuries and death.

80. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33 to 42.

WHEREFORE, Plaintiffs demand judgment against Defendant UNITED STATES SUGAR CORPORATION for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Count V: New Hope Sugar Company

81. The allegations of paragraphs 1 through 42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

82. New Hope Sugar Company owned the land surrounding the turn on Hatton Highway.

83. Shortly before the turn/crash site there was a sight obstruction created by the agricultural crop on the farms south and east of Hatton Highway, owned by New Hope Sugar

Corp., that affected sight distance for motorists, including Pamela Wiggins traveling on Hatton Highway and approaching the crash site.

84. This sight obstruction exacerbated the already dangerous nature of the highway and specifically the curve.

85. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs/decedents' injuries and death.

86. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33 to 42.

WHEREFORE, Plaintiffs demand judgment against Defendant NEW HOPE SUGAR COMPANY for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Count VI: Florida Department of Transportation (FDOT)

87. The allegations of paragraphs 1 through 42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

88. On August 5, 2022, FDOT requested permission to use Hatton Highway as a detour during the construction activities. Permission was granted by Palm Beach County on August 10, 2022.

89. FDOT personnel did not inspect Hatton Highway for safety prior to implementation of the detour or alternatively inspected Hatton Highway but failed to recognize the myriad safety defects.

90. At all times material, Hatton Highway was inherently unsafe, hazardous, and lacked adequate warnings, signage, striping, and guardrails to warn motorists of dangerous

conditions and to provide reasonable protections to motorists utilizing the winding country detour instead of SR-700.

91. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs/decedents' injuries and death.

92. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33 through 42.

WHEREFORE, Plaintiffs demand judgment against Defendant FLORIDA DEPARTMENT OF TRANSPORTATION for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Count VII: Palm Beach County

93. The allegations of paragraphs 1 through 42 above are adopted and incorporated by reference herein, and Plaintiffs further allege:

94. Defendant Palm Beach County owed a duty to operate and maintain Hatton Highway and the detour route in a reasonably safe condition for motorists.

95. On August 5, 2022, FDOT requested permission to use Hatton Highway as a detour during the construction activities. Permission was granted by Palm Beach County on August 10, 2022.

96. Palm Beach County breached its duty of reasonable care in one or more of the following ways:

A. Failing to replace the large arrow warning sign that had been missing from the turn for more than a year at the time of the crash;

B. Failing to replace the missing/warn center line markings that would have alerted drivers to the curve;

C. Improperly installing and maintaining the guardrail. The locations of the posts (with the exception of post 21) were installed on slopes inconsistent with AASHTO guidance. Moreover, instead of the utilizing the appropriate deep post guardrails appropriate for this setup (9 foot) the County mistakenly utilized standard 6 foot posts which resulted in a substantially weaker guardrail;

D. Failing to competently repair or replace the guardrail after the prior crashes. Given the dangerousness of the setup, this guardrail was repeatedly struck by motorists. Prior to the crash at issue, the same guardrail had been impacted at least six times;

E. Failing to monitor and inspect the highway and to correct or warn about the defects prior to authorizing the detour by, inter alia, approving an unsafe detour, failing to inspect the roadway, failing to correct known geometric and guardrail hazards, and failing to provide adequate warnings.

F. Allowing the guardrails to be split and installed in a unusual and dangerous manner such that they contained a large gap between the guardrails and did not follow the curvature of the roadway – leading motorists to believe that the highway continued straight when it actually turned sharply.

97. The negligence described above directly and proximately caused the incident and injuries sustained by Plaintiffs in that it directly, and in natural and continuance sequence, produced or contributed to Plaintiffs/decedents' injuries and death.

98. As a direct and proximate result of the foregoing, the Plaintiffs suffered the injuries and damages asserted above in paragraphs 33 through 42.

WHEREFORE, Plaintiffs demand judgment against Defendant PALM BEACH COUNTY for damages and costs of suit, together with such other relief as the Court deems meet and just, and demand a trial by jury on all issues so triable.

Demand for Jury Trial

Plaintiffs respectfully demand trial by jury on all issues so triable.

PAJCIC & PAJCIC, P.A.

/s/ Seth A. Pajcic

SETH A. PAJCIC, ESQ.
Florida Bar No.: 0776211
One Independent Drive, Suite 1900
Jacksonville, Florida 32202
Phone: (904) 358-8881
Fax: (904) 354-1180
Primary email: seth@pajcic.com
Secondary email: monica@pajcic.com
Attorneys for Plaintiffs

Jeffrey D. Murphy, PA

/s/ Jeffrey D. Murphy

Jeffrey D. Murphy, Esq.
Florida Bar No.: 860808
Bank of America Plaza
101 E Kennedy Blvd., Suite 3910
Tampa, FL 33602-5179
Phone: 813-443-5553
Fax: 813-436-5190
jm@jeffmurphylaw.com
Attorneys for Plaintiffs