

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KALABRYA HASKINS, as Personal
Representative of the Estate of
DWAYNE HASKINS, JR. Deceased,
On Behalf of KALABRYA HASKINS,
DWAYNE HASKINS, SR.,
TAMARA HASKINS, and the
ESTATE OF DWAYNE HASKINS, JR.,

CASE NO.:

Plaintiffs,

vs.

ORIEL PATINO,
PEDRO SINECIO DIAZ,
SORREL ENTERPRISES, INC.
d/b/a SORREL DEVELOPMENT,
FLORIDA DEPARTMENT OF
TRANSPORTATION,
JOHN DOE COMPANY, AS UNNAMED
CONTRACTOR FOR FLORIDA
DEPARTMENT OF TRANSPORTATION,
ROAM RENTAL CAR OF MIAMI, LLC
d/b/a ACE RENT A CAR,
BOCA RATON HOTEL MANAGEMENT LP d/b/a
WYNDHAM GARDEN HOTEL BOCA RATON,
DRIVE SHACK PALM BEACH, LLC
d/b/a DRIVE SHACK PALM BEACH,
LUV SHAK HOSPITALITY INC.
d/b/a BLUE ANCHOR PUB,
GR OPCO, LLC d/b/a E11EVEN MIAMI,
JOEY SMITH, MERIEM YASSINE,
WISSAL YASSINE, and KARLEE PEYTON,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, KALABRYA HASKINS, as Personal Representative of
the ESTATE OF DWAYNE HASKINS, JR., Deceased, on behalf of KALABRYA
HASKINS, DWAYNE HASKINS, SR., TAMARA HASKINS, and the ESTATE OF

DWAYNE HASKINS, JR., by and through the undersigned counsel, and sues the Defendants, ORIEL PATINO, PEDRO SINECIO DIAZ, SORREL ENTERPRISES, INC. d/b/a SORREL DEVELOPMENT, FLORIDA DEPARTMENT OF TRANSPORTATION, JOHN DOE COMPANY, AS UNNAMED CONTRACTOR FOR FLORIDA DEPARTMENT OF TRANSPORTATION, ROAM RENTAL CAR OF MIAMI, LLC d/b/a ACE RENT A CAR, BOCA RATON HOTEL MANAGEMENT LP d/b/a WYNDHAM GARDEN HOTEL BOCA RATON, DRIVE SHACK PALM BEACH, LLC d/b/a DRIVE SHACK PALM BEACH, LUV SHAK HOSPITALITY INC. d/b/a BLUE ANCHOR PUB, GR OPCO, LLC d/b/a E11EVEN MIAMI, JOEY SMITH, MERIEM YASSINE, WISSAL YASSINE, and KARLEE PEYTON, and as grounds therefore, would state as follows:

1. That this is an action for damages in excess of the jurisdictional limits of this Court and this Court has jurisdiction over the subject matter.

2. At all times material hereto, Plaintiff, KALABRYA HASKINS, now living in Atlanta, GA, was a resident of Pittsburgh, PA, was the wife of DWAYNE HASKINS, JR., and is the Personal Representative of the Estate of DWAYNE HASKINS, JR., which Estate action is currently pending in Orphans Court in Pittsburgh, Pennsylvania.

3. At all times material hereto, Plaintiff, KALABRYA HASKINS, is the proper party to bring this action under the Florida Wrongful Death Act Florida Statute Section 768.16 – 786.26. See Exhibit “A.”

4. At all times material hereto, Plaintiff’s Decedent, DWAYNE HASKINS, JR. (hereinafter “DWAYNE HASKINS”), was a resident of Pittsburgh, PA.

5. At all times material hereto, Plaintiff, DWAYNE HASKINS, SR., was and is a resident of Clarksburg, MD., and was the father of the Decedent, DWAYNE HASKINS.

6. At all times material hereto, Plaintiff, TAMARA HASKINS, was and is a resident of Clarksburg, MD., and was the mother of the Decedent, DWAYNE HASKINS.

7. At all times material hereto, Defendant, ORIEL PATINO, was and is a resident of Miami-Dade County, Florida.

8. At all times material hereto, Defendant, PEDRO SINECIO DIAZ, was and is a resident of Miami-Dade County, Florida.

9. At all times material hereto, the Defendant, SORREL ENTERPRISES, INC. d/b/a SORREL DEVELOPMENT (hereinafter "SORREL ENTERPRISES") was and is a Florida Corporation, authorized to do business in the State of Florida and, in fact, doing business in Broward County, Florida.

10. At all times material, Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, is a political subdivision of the State of Florida, is subject to the jurisdiction of this Court, and owned, managed, maintained, and/or controlled, the area where the subject incident occurred. All conditions precedent under Florida law, including Fla. Stat. §768.28 et. seq., have been satisfied, as a Notice of Claim was properly presented.

11. At all times material hereto, the Defendant, JOHN DOE COMPANY, AS UNNAMED CONTRACTOR FOR FLORIDA DEPARTMENT OF TRANSPORTATION, (hereinafter "JOHN DOE COMPANY") was and is a company doing business within the State of Florida and employed as a contractor with the FLORIDA DEPARTMENT OF TRANSPORTATION responsible for signage.

12. At all times material, Defendant, ROAM RENTAL CAR OF MIAMI, LLC d/b/a ACE RENT A CAR (hereinafter "ROAM RENTAL CAR"), was and is a Florida Limited Liability Company, authorized to do business in the State of Florida and, in fact, doing

business in Broward County, Florida.

13. At all times material, Defendant, BOCA RATON HOTEL MANAGEMENT LP d/b/a WYNDHAM GARDEN HOTEL BOCA RATON (hereinafter "WYNDHAM HOTEL"), was and is a Foreign Limited Partnership, authorized to do business in the State of Florida and, in fact, doing business in Palm Beach County, Florida.

14. At all times material, Defendant, DRIVE SHACK PALM BEACH, LLC d/b/a DRIVE SHACK PALM BEACH (hereinafter "DRIVE SHACK"), was and is a Florida Limited Liability Company, authorized to do business in the State of Florida and, in fact, doing business in Palm Beach County, Florida.

15. At all times material, Defendant, LUV SHAK HOSPITALITY INC. d/b/a BLUE ANCHOR PUB (hereinafter "BLUE ANCHOR"), was and is a Florida Corporation, authorized to do business in the State of Florida and, in fact, doing business in Palm Beach County, Florida.

16. At all times material, Defendant, GR OPCO, LLC d/b/a E11EVEN MIAMI (hereinafter "E11EVEN"), was and is a Florida Limited Liability Company, authorized to do business in the State of Florida and, in fact, doing business in Miami-Dade County, Florida.

17. At all times material hereto, upon information and belief, Defendant, JOEY SMITH, was and is a resident of Hillsborough, County Florida.

18. At all times material hereto, upon information and belief, Defendant, MERIEM YASSINE, was and is a resident of Miami-Dade, County Florida.

19. At all times material hereto, upon information and belief, Defendant, WISSAL YASSINE, was and is a resident of Palm Beach, County Florida.

20. At all times material hereto, Defendant, upon information and belief, KARLEE PEYTON, was and is a resident of Iowa.

21. On or about April 9, 2022, Plaintiff's Decedent, DWAYNE HASKINS was attempting to cross the westbound lanes of Interstate 595 in Fort Lauderdale, Florida, when he was struck by one or more vehicles, including a dump truck driven by ORIEL PATINO.

22. As a direct and proximate result of the acts and/or omissions of the Defendants as described in further detail herein, Plaintiff's Decedent, DWAYNE HASKINS, JR. died of his injuries.

23. Venue is proper in Broward County because Plaintiff's Decedent, DWAYNE HASKINS, died in Broward County.

COUNT I
NEGLIGENCE OF DEFENDANT ORIEL PATINO

Plaintiff realleges and reavers paragraphs 1 through 23 as if fully set forth herein, and would further allege as follows:

24. On or about April 9, 2022, Defendant, ORIEL PATINO, was a dump truck driver, and was travelling westbound on Interstate 595 in Fort Lauderdale, Broward County, Florida, operating a 1994 Kenworth truck bearing VIN #1XKDDR9X9RJ620335.

25. As the operator of a large, heavy use vehicle, the Defendant, ORIEL PATINO, had a duty to maintain the vehicle in a safe and reasonable manner to ensure the vehicle was safe to operate on the public roadways so as to avoid injuring other motorists and members of the public.

26. At all times material hereto the Defendant, ORIEL PATINO, had a further duty to operate the vehicle in a safe and reasonable manner so as to avoid injuring other

motorists and members of the public, such as the Plaintiff, DWAYNE HASKINS.

27. Despite said duty, the Defendant, ORIEL PATINO, was negligent, and breached the aforesaid duty by any or all of the following acts and/or omissions:

- a. Defendant failed to operate his vehicle in a reasonably prudent manner;
- b. Defendant violated Fla. Stat. §316.185, by failing to use due care while operating the motor vehicle;
- c. Defendant violated Fla. Stat. §316.1925, by driving carelessly;
- d. Defendant exceeded the posted speed limit;
- e. Defendant failed to keep a proper lookout;
- f. Defendant failed to maintain the brakes on his truck;
- g. Defendant failed to maintain the tires on his truck;
- h. Defendant failed to make necessary repairs to his truck to keep the truck roadworthy;
- i. Defendant failed to regularly inspect his truck to ensure the truck was free from Out of Service Violations before operating the truck on the public roadways;
- j. Defendant overloaded his truck such that the cargo load exceeded its legal weight limit;
- k. Defendant failed to avoid hitting the Plaintiff who was visible and avoidable had the Defendant operated his dump truck with reasonable care.

28. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, ORIEL PATINO, the subject incident occurred, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

29. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, ORIEL PATINO, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT II
NEGLIGENCE OF DEFENDANT PEDRO SINECIO DIAZ

Plaintiff realleges and reavers paragraphs 1 through 23 as if fully set forth herein, and would further allege as follows:

30. On or about April 9, 2022, Defendant, PEDRO SINECIO DIAZ, was and is the lawful owner of the subject 1994 Kenworth truck specifically described in the paragraphs above.

31. As the owner of the subject 1994 Kenworth truck, the Defendant, PEDRO SINECIO DIAZ, had a duty to maintain the vehicle in a safe and reasonable manner to ensure the vehicle was safe to operate on the public roadways so as to avoid injuring other motorists and members of the public.

32. Despite said duty, the Defendant, PEDRO SINECIO DIAZ, was negligent, and breached the aforesaid duty by any or all of the following acts and/or omissions:

- a. Defendant failed to maintain the brakes on his truck;
- b. Defendant failed to maintain the tires on his truck;
- c. Defendant failed to make necessary repairs to his truck to keep the truck roadworthy;
- d. Defendant allowed the truck to be overloaded such that the cargo load exceeded the truck's legal weight limit;
- e. Defendant failed to regularly inspect his truck to ensure the truck was free from Out of Service Violations before allowing the truck to be operated on the public roadways;

33. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, PEDRO SINECIO DIAZ, the subject incident occurred, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

34. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, PEDRO SINECIO DIAZ, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT III – VICARIOUS LIABILITY CLAIM AGAINST DEFENDANT,
PEDRO SINECIO DIAZ – DANGEROUS INSTRUMENTALITY

Plaintiff realleges and reavers Paragraphs 1 – 29 above as if fully set forth herein and would further state as follows:

35. At all times material hereto, the Defendant, PEDRO SINECIO DIAZ, was and is the lawful owner of the subject 1994 Kenworth truck specifically described in the paragraphs above.

36. At all times material hereto, including on the date, time, and location of the subject incident, Defendant, PEDRO SINECIO DIAZ, owned and had the right to control the subject vehicle and gave consent, permission, and authorization, to Defendant, ORIEL PATINO, to operate the subject vehicle on the public roads in the State of Florida.

37. By virtue of Florida's dangerous instrumentality law, as well as the vicarious liability of Defendant, PEDRO SINECIO DIAZ, by the acts and/or omissions of the Defendant, ORIEL PATINO, which directly and proximately caused harm to the Plaintiff's

Decedent, DWAYNE HASKINS, Defendant, PEDRO SINECIO DIAZ, is vicariously liable and therefore responsible for each and every element of the damages which were directly and proximately caused by the acts/or omissions of Defendant, ORIEL PATINO, as described in Count I which said Count is incorporated within this Count.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, PEDRO SINECIO DIAZ, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT IV
NEGLIGENCE OF DEFENDANT SORREL ENTERPRISES, INC.
D/B/A SORREL DEVELOPMENT

Plaintiff realleges and reavers paragraphs 1 through 23 as if fully set forth herein, and would further allege as follows:

38. On or about April 9, 2022, Defendant, SORREL ENTERPRISES, was and is the lawful owner of the subject 1994 Kenworth truck specifically described in the paragraphs above.

39. As the owner of the subject 1994 Kenworth truck, the Defendant, SORREL ENTERPRISES, had a duty to maintain the vehicle in a safe and reasonable manner to ensure the vehicle was safe to operate on the public roadways so as to avoid injuring other motorists and members of the public.

40. Despite said duty, the Defendant, SORREL ENTERPRISES, was negligent, and breached the aforesaid duty by any or all of the following acts and/or omissions:

- a. Defendant failed to maintain the brakes on his truck;
- b. Defendant failed to maintain the tires on his truck;

- c. Defendant failed to make necessary repairs to his truck to keep the truck roadworthy;
- d. Defendant allowed the truck to be overloaded such that the cargo load exceeded the truck's legal weight limit;
- e. Defendant failed to regularly inspect his truck to ensure the truck was free from Out of Service Violations before allowing the truck to be operated on the public roadways;

41. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, SORREL ENTERPRISES, the subject incident occurred, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

42. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, SORREL ENTERPRISES, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT V – VICARIOUS LIABILITY CLAIM AGAINST DEFENDANT,
SORREL ENTERPRISES, INC. D/B/A SORREL DEVELOPMENT
– DANGEROUS INSTRUMENTALITY

Plaintiff realleges and reavers Paragraphs 1 – 29 above as if fully set forth herein and would further state as follows:

43. At all times material hereto, the Defendant, SORREL ENTERPRISES, was and is the lawful owner of the subject 1994 Kenworth truck specifically described in the paragraphs above.

44. At all times material hereto, including on the date, time, and location of the subject incident, Defendant, SORREL ENTERPRISES, owned and had the right to control the subject vehicle and gave consent, permission, and authorization, to Defendant, ORIEL PATINO, to operate the subject vehicle on the public roads in the State of Florida.

45. By virtue of Florida's dangerous instrumentality law, as well as the vicarious liability of Defendant, SORREL ENTERPRISES, by the acts and/or omissions of the Defendant, ORIEL PATINO, which directly and proximately caused harm to the Plaintiff's Decedent, DWAYNE HASKINS, Defendant, SORREL ENTERPRISES, is vicariously liable and therefore responsible for each and every element of the damages which were directly and proximately caused by the acts/or omissions of Defendant, ORIEL PATINO, as described in Count I which said Count is incorporated within this Count.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, SORREL ENTERPRISES, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

**COUNT VI – CLAIM AGAINST DEFENDANT,
FLORIDA DEPARTMENT OF TRANSPORTATION**

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

46. At the aforementioned place and time, the Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, owned, managed, maintained, and/or controlled the area where the incident occurred on Interstate 595 in Fort Lauderdale, Florida.

47. As such, Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, had a non-delegable duty to the members of the public utilizing the subject roadways,

including Plaintiff's Decedent, DWAYNE HASKINS, to exercise reasonable care in regard to the existence and the maintenance of the roadways, including construction materials, lighting, and signage, so that the conditions on the roadway do not obstruct, hinder, and/or block the clear vision area for the drivers of vehicles on the subject roadways.

48. Despite said duty, Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, by and through its employees, agents, servants, and/or contractors, failed to exercise reasonable care in regard the subject location, and was, in fact, negligent, at all times material, by allowing the subject roadway to be in such a condition so as to obstruct, hinder, and/or block the clear vision area for the drivers of vehicles on the subject roadway, located on Interstate 595 approaching its intersection with Interstate 95, in Fort Lauderdale, Florida.

49. In addition, despite said duty, Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, by and through its employees, agents, servants, and contractors, failed to exercise reasonable care in regard the subject location, and was, in fact, negligent, at all times material, by committing any one, any combination of, and/or all of the following acts and/or omissions:

- a. allowing a construction traffic signal board to be placed alongside the roadway in such a way as to obstruct, hinder, and/or block the clear vision area for the drivers of vehicles on the subject roadways at all times material;
- b. failing to provide and/or repair and/or maintain necessary street lighting along the roadway to improve driver visibility and provide clear vision for drivers on the subject roadways while traveling at night;
- c. failing to post a lower speed limit in an area where construction was ongoing which required placement of construction signage and resulted in reduced visibility, to ensure the safety of drivers and members of the public utilizing the roadway;

- d. failing to timely inspect, maintain, and remedy the area of reduced visibility along Interstate 595 at its approach to Interstate 95 to ensure the safety of drivers and members of the public utilizing the roadway.

50. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, by and through its employees, agents, servants, and/or contractors, the subject incident occurred, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

51. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT VII – CLAIM AGAINST DEFENDANT,
JOHN DOE COMPANY, AS UNNAMED CONTRACTOR
FOR FLORIDA DEPARTMENT OF TRANSPORTATION

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

52. At the aforementioned place and time, the Defendant, JOHN DOE COMPANY, contracted with Defendant, FLORIDA DEPARTMENT OF TRANSPORTATION, to provide signage along Interstate 595 approaching its intersection with Interstate 95, in Fort Lauderdale, Florida, while the subject roadway underwent maintenance and construction.

53. As such, Defendant, JOHN DOE COMPANY, had a duty to manage, maintain, and/or control the subject roadway to ensure the signage provided improved safety during the period of maintenance and construction along Interstate 595 for members of the public utilizing the subject roadways, including Plaintiff's Decedent, DWAYNE HASKINS.

54. Defendant, JOHN DOE COMPANY, had a further duty to exercise reasonable care in regard place all road signage in such a way as to not obstruct, hinder, and/or block the clear vision of motorists and members of the public utilizing the roadway.

55. Despite said duty, Defendant, JOHN DOE COMPANY, by and through its employees, agents, servants, and/or contractors, failed to exercise reasonable care in regard the subject location, and was, in fact, negligent, at all times material, by placing signage, and specifically a construction traffic signal board, in such a way as to obstruct, hinder, and/or block the clear vision area for the drivers of vehicles on the subject roadway at all times material.

56. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, JOHN DOE COMPANY, by and through its employees, agents, servants, and/or contractors, the subject incident occurred, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

57. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, JOHN DOE COMPANY, according to law together with interest and costs and

demands a trial by jury of all issues so triable as a matter of right.

**COUNT VIII – CLAIM AGAINST DEFENDANT,
ROAM RENTAL CAR OF MIAMI, LLC D/B/A ACE RENT A CAR**

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

58. On or about April 9, 2022, the Defendant, ROAM RENTAL CAR was operating a car rental business and rented a 2020 Nissan Frontier, License No. DZH157, to the Plaintiff's Decedent, DWAYNE HASKINS.

59. Pursuant to the terms of the vehicle lease entered into between ROAM RENTAL CAR and the Plaintiff's Decedent, DWAYNE HASKINS, Defendant ROAM RENTAL CAR had a duty to provide a safe and well maintained rental vehicle to Plaintiff's Decedent, DWAYNE HASKINS.

60. As the owner of the subject 2020 Nissan Frontier, the Defendant, ROAM RENTAL CAR, had a duty to maintain the vehicle in a safe and reasonable manner to ensure the vehicle was safe to operate on the public roadways so as to avoid injuring other motorists and members of the public, including Plaintiff's Decedent, DWAYNE HASKINS.

61. Despite said duty, the Defendant, ROAM RENTAL CAR, was negligent, and breached the aforesaid duty by providing a rental car to Plaintiff's Decedent, DWAYNE HASKINS, that was unreasonably dangerous and hazardous because it was mechanically damaged and ran out of gas causing DWAYNE HASKINS to have to leave the empty truck on the side of the road and traverse dangerous highway traffic to obtain gas to refill the truck which put DWAYNE HASKINS in a reasonably foreseeable zone of dangerous risk from which he was killed.

62. As a direct and proximate result of the negligent acts and/or omissions of

this Defendant, ROAM RENTAL CAR, by and through its employees, agents, servants, and/or contractors, the subject incident occurred, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

63. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, ROAM RENTAL CAR, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT IX – CLAIM AGAINST DEFENDANT,
BOCA RATON HOTEL MANAGEMENT LP
d/b/a WYNDHAM GARDEN HOTEL BOCA RATON,

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

64. At all times material hereto, the Defendant, WYNDHAM HOTEL, operated a hotel and further operated as a restaurant and bar on the premises.

65. On or about April 8, 2022, the Plaintiff's Decedent, DWAYNE HASKINS, was a business invitee, lawfully and properly, on the Defendant's premises located at 1950 Glades Road, Boca Raton, Palm Beach County, Florida.

66. As such, Defendant, WYNDHAM HOTEL, owed Plaintiff, in his capacity as a business invitee on Defendant's premises, a duty of reasonable care to maintain and operate the premises in a reasonably safe condition for the safety of business invitees on the premises, which include reasonable efforts to keep premises free from dangerous

and hazardous conditions that might foreseeably give rise to loss, injury, or damage and to exercise reasonable care to take actions to reduce, minimize or eliminate foreseeable risks that pose a dangerous condition on the premises.

67. Despite said duty, the Defendant, WYNDHAM HOTEL, was negligent, and breached the aforesaid duty by allowing patrons to use drugs and to drug other patrons, including the Plaintiff, even when Defendant's own employees were in attendance and observing same.

68. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, WYNDHAM HOTEL, by and through its employees, agents, servants, and/or contractors, the Plaintiff was drugged directly and proximately causing and/or contributing to cause the subject incident, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

69. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, WYNDHAM HOTEL, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT X – CLAIM AGAINST DEFENDANT,
DRIVE SHACK PALM BEACH, LLC d/b/a DRIVE SHACK PALM BEACH

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

70. At all times material hereto, the Defendant, DRIVE SHACK, operated a golf

driving range which also operated as a restaurant and bar.

71. On or about April 8th and 9th 2022, the Plaintiff's Decedent, DWAYNE HASKINS, was a business invitee, lawfully and properly, on the Defendant's premises located at 1710 Belvedere Rd, West Palm Beach, Palm Beach County, Florida.

72. As such, Defendant, DRIVE SHACK, owed Plaintiff, in his capacity as a business invitee on Defendant's premises, a duty of reasonable care to maintain and operate the premises in a reasonably safe condition for the safety of business invitees on the premises, which include reasonable efforts to keep premises free from dangerous and hazardous conditions that might foreseeably give rise to loss, injury, or damage and to exercise reasonable care to take actions to reduce, minimize or eliminate foreseeable risks that pose a dangerous condition on the premises.

73. Despite said duty, the Defendant, DRIVE SHACK, was negligent, and breached the aforesaid duty by allowing patrons to use drugs and to drug other patrons, including the Plaintiff, even when Defendant's own employees were in attendance and observing same.

74. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, DRIVE SHACK, by and through its employees, agents, servants, and/or contractors, the Plaintiff was drugged directly and proximately causing and/or contributing to cause the subject incident, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

75. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for

the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, DRIVE SHACK, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT XI – CLAIM AGAINST DEFENDANT,
LUV SHAK HOSPITALITY INC. d/b/a BLUE ANCHOR PUB

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

76. At all times material hereto, the Defendant, BLUE ANCHOR, operated a restaurant and bar in Delray Beach, Florida.

77. On or about April 8th and 9th 2022, the Plaintiff's Decedent, DWAYNE HASKINS, was a business invitee, lawfully and properly, on the Defendant's premises located at 804 E. Atlantic Avenue, Delray Beach, Palm Beach County, Florida.

78. As such, Defendant, BLUE ANCHOR, owed Plaintiff, in his capacity as a business invitee on Defendant's premises, a duty of reasonable care to maintain and operate the premises in a reasonably safe condition for the safety of business invitees on the premises, which include reasonable efforts to keep premises free from dangerous and hazardous conditions that might foreseeably give rise to loss, injury, or damage and to exercise reasonable care to take actions to reduce, minimize or eliminate foreseeable risks that pose a dangerous condition on the premises.

79. Despite said duty, the Defendant, BLUE ANCHOR, was negligent, and breached the aforesaid duty by allowing patrons to use drugs and to drug other patrons, including the Plaintiff, even when Defendant's own employees were in attendance and observing same.

80. As a direct and proximate result of the negligent acts and/or omissions of

this Defendant, BLUE ANCHOR, by and through its employees, agents, servants, and/or contractors, the Plaintiff was drugged directly and proximately causing and/or contributing to cause the subject incident, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

81. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, BLUE ANCHOR, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT XII – CLAIM AGAINST DEFENDANT,
GR OPCO, LLC d/b/a E11EVEN MIAMI

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

82. At all times material hereto, the Defendant, E11EVEN, operated a 24-hour night club in Miami, Florida.

83. On or about April 8th and 9th, 2022, the Plaintiff's Decedent, DWAYNE HASKINS, was a business invitee, lawfully and properly, on the Defendant's premises located at 29 NE 11th St, Miami, Miami-Dade County, Florida.

84. As such, Defendant, E11EVEN, owed Plaintiff, in his capacity as a business invitee on Defendant's premises, a duty of reasonable care to maintain and operate the premises in a reasonably safe condition for the safety of business invitees on the premises, which include reasonable efforts to keep premises free from dangerous and

hazardous conditions that might foreseeably give rise to loss, injury, or damage and to exercise reasonable care to take actions to reduce, minimize or eliminate foreseeable risks that pose a dangerous condition on the premises.

85. Despite said duty, the Defendant, E11EVEN, was negligent, and breached the aforesaid duty by allowing patrons to use drugs and to drug other patrons, including the Plaintiff, even when Defendant's own employees were in attendance and observing same.

86. As a direct and proximate result of the negligent acts and/or omissions of this Defendant, E11EVEN, by and through its employees, agents, servants, and/or contractors, the Plaintiff was drugged directly and proximately causing and/or contributing to cause the subject incident, and Plaintiff's Decedent, DWAYNE HASKINS, was injured and died.

87. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, E11EVEN, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT XIII
BATTERY AGAINST JOEY SMITH
AS TO PLAINTIFF'S DECEDENT, DWAYNE HASKINS

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

88. On or about April 8th and 9th, 2022, the Defendant, JOEY SMITH, committed

battery upon the Plaintiff's Decedent, DWAYNE HASKINS, by drugging DWAYNE HASKINS to blackmail and rob him causing him and/or contributing to cause him severe injury and death.

89. At all times material hereto, drugging an individual is an intentional affirmative act which is intended to cause bodily harm.

90. At all times material hereto, drugging an individual is harmful and offensive conduct.

91. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, JOEY SMITH, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT XIV
BATTERY AGAINST MERIEM YASSINE
AS TO PLAINTIFF'S DECEDENT, DWAYNE HASKINS

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

92. On or about April 8th and 9th, 2022, the Defendant, MERIEM YASSINE, committed battery upon the Plaintiff's Decedent, DWAYNE HASKINS, by drugging DWAYNE HASKINS to blackmail and rob him causing him and/or contributing to cause him severe injury and death.

93. At all times material hereto, drugging an individual is an intentional

affirmative act which is intended to cause bodily harm.

94. At all times material hereto, drugging an individual is harmful and offensive conduct.

95. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, MERIEM YASSINE, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT XV
BATTERY AGAINST WISSAL YASSINE
AS TO PLAINTIFF'S DECEDENT, DWAYNE HASKINS

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

96. On or about April 8th and 9th, 2022, the Defendant, WISSAL YASSINE, committed battery upon the Plaintiff's Decedent, DWAYNE HASKINS, by drugging DWAYNE HASKINS to blackmail and rob him causing him and/or contributing to cause him severe injury and death.

97. At all times material hereto, drugging an individual is an intentional affirmative act which is intended to cause bodily harm.

98. At all times material hereto, drugging an individual is harmful and offensive conduct.

99. As a further direct, proximate, and foreseeable result of the acts and/or

omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the Defendant, WISSAL YASSINE, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

COUNT XVI
BATTERY AGAINST KARLEE PEYTON
AS TO PLAINTIFF'S DECEDENT, DWAYNE HASKINS

Plaintiff realleges and reavers Paragraphs 1 – 23 above as if fully set forth herein and would further state as follows:

100. On or about April 8th and 9th, 2022, the Defendant, KARLEE PEYTON, committed battery upon the Plaintiff's Decedent, DWAYNE HASKINS, by drugging DWAYNE HASKINS to blackmail and rob him and causing him and/or contributing to cause him severe injury and death.

101. At all times material hereto, drugging an individual is an intentional affirmative act which is intended to cause bodily harm.

102. At all times material hereto, drugging an individual is harmful and offensive conduct.

103. As a further direct, proximate, and foreseeable result of the acts and/or omissions of this Defendant, the Plaintiff seeks all damages legally provided by the Florida Wrongful Death Act Florida Statute §768.16 – §768.26.

WHEREFORE, Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, demands judgment for damages against the

Defendant, KARLEE PEYTON, according to law together with interest and costs and demands a trial by jury of all issues so triable as a matter of right.

DEMAND FOR JURY TRIAL

Plaintiff, KALABRYA HASKINS, as Personal Representative for the ESTATE OF DWAYNE HASKINS, hereby demands trial by jury on all issues so triable as a matter of right.

Dated this 23rd day of March, 2023.

THE ELLSLEY LAW FIRM

MASA Global Building
1250 S. Pine Island Rd. - Suite 275
Plantation, Florida 33324
Phone: (954) 888-7720
Fax: (954) 888-1775
Primary email: ellsley@ellsleylaw.com
Secondary email: becky@ellsleylaw.com
Tertiary email: pleadings@ellsleylaw.com

BY: Eric M. Ellsley /s/
ERIC M. ELLSLEY, ESQUIRE
Florida Bar No.: 152560

DEPARTMENT OF COURT RECORDS, WILLS/ORPHANS' COURT DIVISION

COMMONWEALTH OF PENNSYLVANIA

ALLEGHENY COUNTY

SS: No.: 2231100

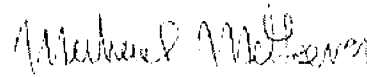
No. 022202841

I, Michael McGeever, Director of the Department of Court Records in and for the County of Allegheny in the Commonwealth of Pennsylvania, DO HEREBY CERTIFY that on the 11th day of August, 2022 LETTERS OF ADMINISTRATION on the Estate of DWAYNE HASKINS, JR., aka DWAYNE HASKINS, aka DWAYNE ELLIOTT HASKINS, JR., deceased, were granted to KALABRYA HASKINS having first been qualified well and truly to administer the same. And, I further certify that no revocation of said Letters appears of record in my office.

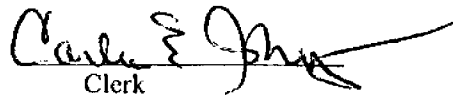
Date of Death 4/9/2022

Social Security No.

Given under my hand and seal of office, at Pittsburgh
this 11th day of August, 2022



Director, Department of Court Records


Clerk

NOT VALID WITHOUT ORIGINAL SIGNATURE AND IMPRESSED SEAL

EXHIBIT A