

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY,
FLORIDA

JILL HUMPHREY SANCHEZ nominated
as the Personal Representative of the Estate
of CAROL EASTERLING WRIGHT,

CASE NO.:

Plaintiff,

v.

FLORIDA DRAWBRIDGES, INC., a
Florida corporation; and ARTISSUA
PAULK,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, JILL HUMPHREY SANCHEZ nominated as the Personal Representative of the Estate of CAROL EASTERLING WRIGHT, by and through her undersigned counsel, and hereby sues the Defendants, FLORIDA DRAWBRIDGES, INC., a Florida corporation (hereinafter referred to as "FDI"), and ARTISSUA PAULK, and in support thereof states as follows:

GENERAL ALLEGATIONS

1. This action arises from a preventable tragedy that occurred on the Royal Park Bridge on February 6, 2022, when the Defendants, FDI, and ARTISSUA PAULK negligently opened the drawbridge while CAROL EASTERLING WRIGHT was walking across it, and caused CAROL EASTERLING WRIGHT first, to suffer extreme mental pain and suffering as she desperately clung to the bridge, and second, to fall to a concrete surface resulting in physical injuries that led to her death.

2. The Parties are seeking to enact change to preclude this preventable tragedy from occurring in the future. The proposed changes include, but are not limited to:

- (a) FDI ensuring that its safety policies to visually check the spans and making intercom announcements to warn are complied with by increasing supervision and oversight;
- (b) FDI installing sensors (similar to garage door sensors) to detect the presence of a person or object in harms way;
- (c) FDI installing cameras inside and outside of the bridgetender houses to verify that the bridgetenders are visually checking the spans for vehicles and pedestrians;
- (d) FDI increasing the education, training, experience, benefits and pay of bridgetenders to make it more commensurate with the importance of the position;
- (e) FDI hiring additional well-qualified bridgetenders so that bridgetenders are not compelled to work multiple shifts in a row nor required to work more than 7 (seven) days in a row without a day off;
- (f) And, FDI encouraging and supporting legislation to create additional policies, procedures, penalties, and oversight for the operation of drawbridges.

3. This is an action for damages in excess of Thirty Thousand and 00/100 Dollars (\$30,000.00), exclusive of costs, interest and attorney's fees.

4. At all times material hereto, the decedent, CAROL EASTERLING WRIGHT, was over eighteen (18) years of age, and a resident of Palm Beach County, Florida.

5. At all times material hereto, the Plaintiff, JILL HUMPHREY SANCHEZ, is over eighteen (18) years of age, and is nominated as the Personal Representative of the Estate of CAROL EASTERLING WRIGHT. The statutory survivors of CAROL EASTERLING WRIGHT, if any, are unknown at this time.

6. At all times material hereto, the Defendant, FDI, was and is a Florida corporation, authorized to do business and, in fact, doing business in Palm Beach County, Florida. Defendant, FDI, may be affiliated with other entities or be a subsidiary to other entities necessitating amending this Complaint to add or correct the parties designated.

7. At all times material hereto, the Defendant, ARTISSUA PAULK, was an employee of Defendant, FDI, and was working within the course and scope of her employment at the time of the incident in this case.

8. At all times material hereto, the Defendant, ARTISSUA PAULK, was over eighteen (18) years of age, and a resident of Palm Beach County, Florida.

9. At all times material hereto, the Defendant, FDI, by and through its agents, employees and/or servants, was responsible in whole or part for the operation and/or maintenance of the Royal Park Bridge, a drawbridge located in Palm Beach County, Florida.

10. Upon information and belief, the Defendant, FDI, had a contract with the Florida Department of Transportation ("FDOT"), wherein FDOT paid Defendant, FDI, a fixed sum of money for FDI to operate and/or maintain drawbridges in the State of Florida, including the Royal Park Bridge.

11. Upon information and belief, the Defendant, FDI, used the contract proceeds to hire employees to fulfill its obligations under the contract with any remaining funds constituting profit to FDI. Thus, the Defendant, FDI, had a financial incentive to spend as little of the contract

proceeds as possible—even on matters vitally important to public safety like the careful operation and/or maintenance of drawbridges in the state.

12. On or about February 6, 2022, the decedent, CAROL EASTERLING WRIGHT, was walking alongside her bicycle, westward from Palm Beach to West Palm Beach, when she crossed the Royal Park Bridge on the pedestrian walkway.

13. At the time CAROL EASTERLING WRIGHT began traversing the Royal Park Bridge, no pedestrian gates were in the closed or down position.

14. At the time CAROL EASTERLING WRIGHT began traversing the Royal Park Bridge, no alarms, announcements, flashing lights, or bells were activated.

15. At the time CAROL EASTERLING WRIGHT began traversing the Royal Park Bridge, she was in plain view to the bridgetender tower, which was staffed by Defendant, ARTISSUA PAULK, an employee of Defendant, FDI.

16. As CAROL EASTERLING WRIGHT continued to walk on the movable span of the Royal Park Bridge and had nearly reached the non-movable span of the drawbridge, the drawbridge suddenly began to rise without warning and in complete disregard of CAROL EASTERLING WRIGHT as a pedestrian.

17. The Defendant, FDI, through Defendant, ARTISSUA PAULK, its employee bridgetender, negligently raised the drawbridge while CAROL EASTERLING WRIGHT was still on it, endangering her life.

18. The Defendant, FDI, is vicariously liable for the actions of Defendant, ARTISSUA PAULK, its employee bridgetender, in negligently opening the Royal Park Bridge, as ARTISSUA PAULK was acting within the course and scope of her employment at the time of the incident.

19. When the Defendant, FDI, through its employee, raised the drawbridge, CAROL EASTERLING WRIGHT was too far across the bridge to safely retreat. As a result, CAROL EASTERLING WRIGHT desperately tried to hold onto one of the bridge's railings—all while being in fear of imminent death and, as a result, suffering severe mental pain and anguish.

20. Motorists, pedestrians, and other concerned onlookers attempted to get the attention of Defendant, ARTISSUA PAULK, FDI's bridgetender. Inexcusably, the drawbridge continued to rise with CAROL EASTERLING WRIGHT clinging onto it for her life, as Defendant, ARTISSUA PAULK, continued to fail to pay attention to her duties, responsibilities, and the safety of pedestrians.

21. At no time while CAROL EASTERLING WRIGHT was holding onto the bridge railing, did the Defendant, FDI, through Defendant, ARTISSUA PAULK, either stop the process of raising the drawbridge or reverse the process, despite the incident occurring directly in front of the bridgetender tower.

22. After desperately and courageously holding onto the bridge railing for a lengthy period, CAROL EASTERLING WRIGHT could no longer maintain her grip, and she fell dozens of feet below the bridge span until she impacted a concrete surface, resulting in serious injuries.

23. When the authorities were able to rappel down to assist CAROL EASTERLING WRIGHT minutes after the incident, they found CAROL EASTERLING WRIGHT deceased from her injuries.

24. At all times material hereto, the Defendant, FDI, and Defendant, ARTISSUA PAULK, had a duty to operate and/or maintain the Royal Park Bridge in a safe and careful manner so as to not injure motorists, pedestrians, or other individuals traversing said bridge. Accordingly, the Defendant, FDI, and Defendant, ARTISSUA PAULK, had a duty to make

certain that a pedestrian such as CAROL EASTERLING WRIGHT, was not on a drawbridge span on a public road in the State of Florida when the drawbridge is in the open or raised position, and which could endanger the life and property of an individual such as CAROL EASTERLING WRIGHT.

25. At all times material hereto, the Defendant, FDI, and Defendant, ARTISSUA PAULK, were negligent in breaching their duty in the following manner:

- a. Failing to follow procedures to initiate the proper sequence of opening the drawbridge of the Royal Park Bridge.
- b. Failing to be on proper lookout and failing to visually inspect the pedestrian walkway before raising the drawbridge.
- c. Failing to walk on the tower balcony and confirm that no pedestrians were on the drawbridge before opening it.
- d. Failing to warn pedestrians on the Royal Park Bridge like CAROL EASTERLING WRIGHT with alarms, announcements, lights, and pedestrian gates before opening the drawbridge.
- e. Failing to monitor the area of the drawbridge opening with cameras and visual scans both before and during the opening sequence.
- f. Failing to remain at attention in the bridgetender tower and failing to timely intervene in response to onlookers' pleas for assistance.
- g. Failing to institute emergency procedures and failing to stop raising the drawbridge when FDI and ARTISSUA PAULK knew or should have known that CAROL EASTERLING WRIGHT on the bridge; and
- h. Failing to properly train, pay, and supervise its bridgetender employees to protect public safety and to ensure careful operation and/or maintenance of the Royal Park Bridge.
- i. Failing to comply with all relevant safety procedures and protocols in raising the drawbridge, which are the normally

accepted practice of bridgetenders and bridge operators in the State of Florida.

26. As a direct and proximate result of the negligence of the Defendant, FDI, and Defendant, ARTISSUA PAULK, the decedent, CAROL EASTERLING WRIGHT, endured mental pain and suffering, personal injury, and death.

COUNT I – CLAIM AGAINST FDI FOR NEGLIGENCE RESULTING IN MENTAL PAIN AND SUFFERING

27. The Plaintiff adopts and realleges paragraphs 1 through 26 as though fully set forth herein and further states:

28. This is an action for damages under Section 46.021, Florida Statutes. Pursuant to Section 46.021, all causes of action survive the death of a person and may be commenced, prosecuted, and defended in the name of the person prescribed by law.

29. As a direct and proximate cause of the negligence of Defendant, FDI, CAROL EASTERLING WRIGHT, suffered severe mental anguish, injuries, and mental pain and suffering. CAROL EASTERLING WRIGHT sustained these damages after Defendant, FDI, raised the drawbridge causing CAROL EASTERLING WRIGHT to be tortured with fear as she was desperately hanging onto the bridge and helpless to change her situation. Because these damages were incurred prior to CAROL EASTERLING WRIGHT's fall and prior to the injuries resulting in her death, CAROL EASTERLING WRIGHT is entitled to recover damages under section 46.021.

WHEREFORE, the Plaintiff hereby requests the Court to enter a judgment for damages against the Defendant, FDI, and further demands trial by jury as to all issues and damages as allowed under Florida law.

**COUNT II – CLAIM AGAINST FDI FOR NEGLIGENCE RESULTING IN
WRONGFUL DEATH**

30. The Plaintiff adopts and realleges paragraphs 1 through 26 as though fully set forth herein and further states:

31. This is an action brought pursuant to the provisions of the Florida Wrongful Death Act, Section 768.16, et seq., Florida Statutes, for the wrongful death of the decedent, CAROL EASTERLING WRIGHT.

32. The Plaintiff, JILL HUMPHREY SANCHEZ, as Personal Representative of the Estate of CAROL EASTERLING WRIGHT is entitled to damages as provided by Section 768.21, including, but not limited to the following:

- a. Loss of earnings of the decedent from the date of injury to the date of death;
- b. Pain and suffering;
- c. Loss of prospective net accumulations of the Estate;
- d. Medical and funeral expenses; and
- e. All damages allowed under the Wrongful Death Act.

33. As a direct and proximate cause of the negligence of Defendant, FDI, the decedent, CAROL EASTERLING WRIGHT, suffered personal injuries, pain and suffering, and death. CAROL EASTERLING WRIGHT sustained these injuries after Defendant, FDI, failed to close the open drawbridge after a lengthy period, and CAROL EASTERLING WRIGHT fell from the open drawbridge to the concrete surface below. Thus, the Plaintiff, JILL HUMPHREY SANCHEZ, as Personal Representative of the Estate of CAROL EASTERLING WRIGHT, is entitled to recover all damages allowed under section 768.21.

34. The Plaintiff, JILL HUMPHREY SANCHEZ, as Personal Representative of the Estate of CAROL EASTERLING WRIGHT, has suffered damages, and will continue to suffer damages as alleged above.

WHEREFORE, the Plaintiff hereby requests the Court to enter a judgment for damages against the Defendant, FDI, and further demands trial by jury as to all issues and damages as allowed under Florida law.

COUNT III – CLAIM AGAINST ARTISSUA PAULK FOR NEGLIGENCE RESULTING IN MENTAL PAIN AND SUFFERING

35. The Plaintiff adopts and realleges paragraphs 1 through 26 as though fully set forth herein and further states:

36. This is an action for damages under Section 46.021, Florida Statutes. Pursuant to Section 46.021, all causes of action survive the death of a person and may be commenced, prosecuted, and defended in the name of the person prescribed by law.

37. As a direct and proximate cause of the negligence of Defendant, ARTISSUA PAULK, CAROL EASTERLING WRIGHT, suffered severe mental anguish, injuries, and mental pain and suffering. CAROL EASTERLING WRIGHT sustained these damages after Defendant, ARTISSUA PAULK, raised the drawbridge causing CAROL EASTERLING WRIGHT to be tortured with fear as she was desperately hanging onto the bridge and helpless to change her situation. Because these damages were incurred prior to CAROL EASTERLING WRIGHT's fall and prior to the injuries resulting in her death, CAROL EASTERLING WRIGHT is entitled to recover damages under section 46.021.

WHEREFORE, the Plaintiff hereby requests the Court to enter a judgment for damages against the Defendant, ARTISSUA PAULK, and further demands trial by jury as to all issues and damages as allowed under Florida law.

**COUNT IV – CLAIM AGAINST ARTISSUA PAULK NEGLIGENCE RESULTING IN
WRONGFUL DEATH**

38. The Plaintiff adopts and realleges paragraphs 1 through 26 as though fully set forth herein and further states:

39. This is an action brought pursuant to the provisions of the Florida Wrongful Death Act, Section 768.16, et seq., Florida Statutes, for the wrongful death of the decedent, CAROL EASTERLING WRIGHT.

40. The Plaintiff, JILL HUMPHREY SANCHEZ, as Personal Representative of the Estate of CAROL EASTERLING WRIGHT is entitled to damages as provided by Section 768.21, including, but not limited to the following:

- a. Loss of earnings of the decedent from the date of injury to the date of death;
- b. Pain and suffering;
- c. Loss of prospective net accumulations of the Estate;
- d. Medical and funeral expenses; and
- e. All damages allowed under the Wrongful Death Act.

41. As a direct and proximate cause of the negligence of Defendant, ARTISSUA PAULK, the decedent, CAROL EASTERLING WRIGHT, suffered personal injuries, pain and suffering, and death. CAROL EASTERLING WRIGHT sustained these injuries after Defendant, ARTISSUA PAULK, failed to close the open drawbridge after a lengthy period, and CAROL EASTERLING WRIGHT fell from the open drawbridge to the concrete surface below. Thus, the Plaintiff, JILL HUMPHREY SANCHEZ, as Personal Representative of the Estate of CAROL EASTERLING WRIGHT, is entitled to recover all damages allowed under section 768.21.

42. The Plaintiff, JILL HUMPHREY SANCHEZ, as Personal Representative of the Estate of CAROL EASTERLING WRIGHT, has suffered damages, and will continue to suffer damages as alleged above.

WHEREFORE, the Plaintiff hereby requests the Court to enter a judgment for damages against the Defendant, ARTISSUA PAULK, and further demands trial by jury as to all issues and damages as allowed under Florida law.

DATED this 28th day of March 2022.



Lance C. Ivey, Esquire
Florida Bar No.: 0077119
Attorneys for Plaintiff
Lytal, Reiter, Smith, Ivey & Fronrath
515 N. Flagler Drive, Suite 1000
West Palm Beach, FL 33401
Telephone: (561) 655-1990
Facsimile: (561) 832-2932
Email: livey@foryourrights.com
Email: resnick@foryourrights.com