

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
IN AND FOR SAINT LUCIE COUNTY, FLORIDA

ELLIOT BARRY FISHMAN,

Plaintiff,

v.

TOWNPARK MASTER ASSOCIATION, INC.

CIVIL DIVISION

Defendant.

CASE NO.: 562024CA002329AXXXHC

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

The Plaintiff, **ELLIOT BARRY FISHMAN**, by and through the undersigned counsel, hereby sues the Defendant, **TOWNPARK MASTER ASSOCIATION, INC.**, and alleges:

1. This is an action for damages which exceeds Fifty Thousand Dollars (\$50,000.00) exclusive of interest and costs, and otherwise within this Court's jurisdictional limits.

2. At all times material hereto, the Plaintiff, **ELLIOT BARRY FISHMAN**, was and is a resident of Saint Lucie County, Florida, and is otherwise *sui juris*.

3. At all times material hereto, the Defendant, **TOWNPARK MASTER ASSOCIATION, INC.**, was and is a Florida Corporation organized under the Laws of the State of Florida and doing business in Jupiter, County, Florida.

4. Venue is proper in this County in that the Defendant does business in St. Lucie County, Florida, and/or all of the acts complained of herein occurred in St. Lucie County, Florida.

5. That on or about March 19, 2024, the Plaintiff, **ELLIOT BARRY FISHMAN**, was a resident of the Defendant, **THE CLUB AT TOWN PARK, INC.**, premises located at 11270 SW Town Park Avenue, Port St. Lucie, FL 34987

COUNT I - NEGLIGENCE CLAIM AGAINST TOWNPARK MASTER ASSOCIATION, INC.

Plaintiff re-alleges and restates the allegations in paragraphs 1 through 5 as if fully set forth herein.

6. That at all times material hereto, and specifically on March 19, 2024, Defendant, **TOWNPARK MASTER ASSOCIATION, INC.**, owned, managed, controlled, operated, and/or maintained the premises located at 11270 SW Town Park Avenue, Port St. Lucie, FL 34987, in St. Lucie County.

7. That on or about March 19, 2024, the Plaintiff, **ELLIOT BARRY FISHMAN**, was lawfully in Defendant, **TOWNPARK MASTER ASSOCIATION, INC.**, premises, as he was walking down the sidewalk after leaving the clubhouse gym he walked into a sign that was improperly placed.

8. That the Defendant owed to its business invitees a duty to provide a reasonably safe environment.

9. That the Defendant, its agents, servants or employees, breached its duty owed to the Plaintiff by negligently maintaining its premises in the following manner:

a. By failing to maintain the sign on the premises in a reasonably safe condition, to wit, allowing a sign to protrude into the walking path of pedestrians, and to prevent dangerous conditions from occurring; and/or

b. By failing to warn of the dangerous condition that existed at the time of the Plaintiff's incident; and/or

c. Failing to place barricades, warning signs, or other marking devices utilized to alert customers such as the Plaintiff of the dangerous condition that existed at the time of Plaintiff's incident; and/or

d. By failing to remove said sign from the pedestrian walking area of the premises; and/or

e. By failing to correct the hazardous condition of the premises when the Defendant knew or should have known that the general public visits said premises and specifically the Plaintiff herein; and/or

f. Was otherwise negligent in the care, maintenance, and upkeep of the premises, and specifically by allowing a sign to protrude into the walking path of pedestrians of the premises so as to cause the Plaintiff's injury.

10. That the Defendant knew or in the exercise of reasonable care should have known of the existence of the hazardous and dangerous condition which constituted a dangerous condition to the Plaintiff, and the condition had existed for a sufficient length of time that the Defendant knew or should have known of the condition and could have easily remedied it; and/or

11. That the hazardous and dangerous condition which constituted a dangerous condition to the Plaintiff occurred with such frequency that owner should have known of its existence.

12. As a direct and proximate result of the aforementioned negligence of the Defendant, **TOWNPARK MASTER ASSOCIATION, INC.**, the Plaintiff, **ELLIOT BARRY FISHMAN**, walked into a sign that was improperly placed and sustained severe, grievous and permanent injuries, physical and mental pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of capacity for the enjoyment of life, loss of earnings and impairment of earning capacity and/or permanent aggravation of a pre-existing condition, and further incurred hospital bills, medical bills, and/or other bills as a result of said injuries; said

injuries are either permanent or continuing in their nature and the Plaintiff, **ELLIOT BARRY FISHMAN** will suffer the losses into the future.

WHEREFORE, Plaintiff, **ELLIOT BARRY FISHMAN**, hereby demands judgment for damages, costs and interest from the Defendant, **TOWNPARK MASTER ASSOCIATION, INC.**, together with whatever other relief the Court deems just and appropriate.

DEMAND FOR JURY TRIAL

The Plaintiff, **ELLIOT BARRY FISHMAN**, hereby demands trial by jury of all issues so triable as a matter of right.

Dated: 12/20/24

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