

**IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA**

**CASE NO:**

**JOANNE MOGAVERO,**

**Plaintiff,**

**vs.**

**STARBUCKS COFFEE COMPANY  
AND LAUREN SPADE,**

**Defendants.**

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**COMPLAINT**

The Plaintiff, JOANNE MOGAVERO, sues the Defendants, STARBUCKS COFFEE COMPANY ("STARBUCKS") and LAUREN SPADE and alleges:

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorneys' fees.
2. Plaintiff is a natural person residing in Nassau County, Florida.
3. At all times material, the Defendant, STARBUCKS is a corporation licensed to do business in the State of Florida.
4. At all times material, Defendant, STARBUCKS was the owner and/or in possession of that certain business located at 780 Nautica Drive, Jacksonville, Duval County, Florida, said business being that of a restaurant/coffee house, open to the general public, including the Plaintiff.
5. At all times material, the Defendant, LAUREN SPADE was employed by the Defendant, STARBUCKS as a store manager responsible for the operation and management of the

business located at 780 Nautica Drive, Jacksonville, Duval County, Florida, said business being that of a restaurant/coffee house, open to the general public, including the Plaintiff.

6. On or about July 13, 2014, Plaintiff visited Defendant's premises located at the above address to purchase beverages from STARBUCKS. As the Plaintiff sat in her car, the drive through employee handed her a cup of hot coffee with a plastic lid that was either not attached properly or was defective causing the hot coffee to spill onto the Plaintiff.

**COUNT I**  
**NEGLIGENCE OF STARBUCKS COFFEE COMPANY**

7. Plaintiff restates paragraphs 1-6 and further states as follows:

8. At said time and place, Plaintiff was a guest at the restaurant/coffee house, lawfully upon the premises of the Defendant, who owed Plaintiff a duty to exercise reasonable care for her safety.

9. At said time and place, Defendant breached its duty owed to Plaintiff by committing one or more of the following omissions or commissions:

a) Negligently failing to adequately place the lid on the top of a cup of hot coffee, thus creating a hazardous condition to members of the public, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;

b) Negligently failing to inspect or adequately inspect the lid on the cup of hot coffee, as specified above, to ascertain whether the lid constituted a hazard to customers, including the Plaintiff herein, thus creating an unreasonably dangerous condition to the Plaintiff;

c) Negligently failing to inspect or adequately warn the Plaintiff of the danger of the lid on the cup of hot coffee, when Defendant knew or through the exercise of

reasonable care should have known that said was unreasonably dangerous and that Plaintiff was unaware of same; and

d) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the lid on the cup of hot coffee, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care.

10. As a result, while Plaintiff was visiting Defendant's business, she purchased a cup of hot coffee, when it was handed to her by the employee of the business, the lid came off and the hot coffee spilled onto the lap of the Plaintiff, causing serious burn injuries.

11. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earning, loss of the ability to earn money, and aggravation of previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, JOANNE MOGAVERO, sues the Defendant, STARBUCKS COFFEE COMPANY, for damages and demands judgment in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest and costs, and demands trial by jury of all issues so triable.

**COUNT II**  
**NEGLIGENCE OF LAUREN SPADE**

12. Plaintiff restates paragraphs 1-6 and further states as follows:

13. At said time and place, Plaintiff was a guest at the restaurant/coffee house, lawfully upon the premises of the Defendant, LAUREN SPADE, who owed Plaintiff a duty to exercise reasonable care for her safety.

14. At said time and place, Defendant breached her duty owed to Plaintiff by committing one or more of the following omissions or commissions:

e) Negligently failing to adequately place the lid on the top of a cup of hot coffee, thus creating a hazardous condition to members of the public, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;

f) Negligently failing to inspect or adequately inspect the lid on the cup of hot coffee, as specified above, to ascertain whether the constituted a hazard to customers, including the Plaintiff herein, thus creating an unreasonably dangerous condition to the Plaintiff;

g) Negligently failing to inspect or adequately warn the Plaintiff of the danger of the lid on the cup of hot coffee, when Defendant knew or through the exercise of reasonable care should have known that said was unreasonably dangerous and that Plaintiff was unaware of same; and

h) Negligently failing to correct or adequately correct the unreasonably dangerous condition of the lid on the cup of hot coffee, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care.

15. As a result, while Plaintiff was visiting Defendant's business, she purchased a cup of hot coffee, when it was handed to her by the employee of the business, the lid came off and the hot coffee spilled onto the lap of the Plaintiff, causing serious burn injuries.

16. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about his/her/their body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earning, loss of the ability to earn money, and aggravation of previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, JOANNE MOGAVERO, sues the Defendant, LAUREN SPACE, for damages and demands judgment in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest and costs, and demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 15<sup>th</sup> day of May, 2015



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