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IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA
CASE NO.:
DIVISION:

RAELYN ROWE as the Personal Representative
of the ESTATE OF DANIEL ROWE, deceased
and BRITNEY ROWIN, individually and
STEVEN ROWE, individually

Plaintiffs,

vs.

901 KING STREET, LLC, a Florida corporation,
ACCUBUILD DEVELOPMENT INC., a
Florida corporation, ACCUBUILD CONSTRUCTION
CORPORATION, a Florida corporation,

Defendants.

COMPLAINT

COMES NOW the Plaintiff, RAELYN ROWE as personal representative of the Estate of DANIEL ROWE, deceased, STEVEN ROWE and BRITNEY ROWIN by and through their undersigned attorney and sues Defendants 901 KING STREET, LLC, a Florida corporation, ACCUBUILD DEVELOPMENT INC., a Florida corporation, ACCUBUILD CONSTRUCTION CORPORATION, a Florida corporation, and alleges:

GENERAL ALLEGATIONS

1. This is an action brought pursuant to the provisions of the Florida Wrongful Death Act, section 768.16, Florida Statutes, and other recognized actions under Florida Law for, and related to, the wrongful death of DANIEL ROWE (DOB: 08/03/1994).
2. This is an action for damages in excess of fifteen thousand dollars (\$15,000.00) exclusive of interest, costs and attorney's fees.

3. At all times material to this cause, decedent DANIEL ROWE, Personal Representative, RAELYN ROWE, STEVEN ROWE and BRITNEY ROWIN were residents of Duval County, Florida.
4. Plaintiff, Personal Representative, RAELYN ROWE is authorized pursuant to section 768.20, Florida Statutes, to bring this wrongful death action against the Defendants on behalf of Decedent's survivors as statutory beneficiaries.
5. The potential beneficiaries of a recovery in this wrongful death action, and their relationships to the decedent are as follows:
 - a. RAELYN ROWE, natural mother
 - b. STEVEN ROWE, natural father
 - c. AMELIA-RAE ROWE, minor biological daughter
6. At all times material to this cause Defendant, 901 KING STREET, LLC was a Florida Corporation that owned and managed commercial real estate with its principle place of business located at 1649 Atlantic Blvd., Suite 200, Jacksonville, Duval County, Florida.
7. At all times material to this cause Defendant, ACCUBUILD DEVELOPMENT INC. was a Florida Corporation that designed and developed commercial real estate with its principle place of business located at 1649 Atlantic Blvd., Suite 200, Jacksonville, Duval County, Florida and owned, managed, directed and otherwise had dominion and control over Defendant, 901 KING STREET, LLC.
8. At all times material to this cause Defendant, ACCUBUILD CONSTRUCTION CORP. was a Florida Corporation that reconstructs, redevelops and manages commercial real estate with its principle place of business located at 1649 Atlantic Blvd., Suite 200, Jacksonville, Duval County, Florida.

9. On July 22, 2015 all named Defendants herein jointly owned, operated, managed, and/or exercised dominion and control over the commercial property located at 901 King Street, Jacksonville, Duval County, Florida.
10. On the night of July 22, 2015, at approximately 10:00 P.M. the decedent, DANIEL ROWE, was robbed and shot in the common area of the subject premises where he was lawfully present as business invitee.
11. Prior to July 22, 2015 numerous incidents of criminal activity had occurred on or around the subject premises jointly owned, operated, managed, and/or controlled by the named Defendants herein of which they knew or should have known through the use of reasonable care.
12. Defendants' knowledge regarding these incidents made it reasonably foreseeable that its commercial property and adjacent parking lot needed to be adequately secured in light of their intended uses to prevent severe injury or death to invitees as a result of foreseeable criminal activity.
13. Despite the Defendants' knowledge that invitees of its premises were at significant risk of being injured or killed as a result of criminal activity in the absence of adequate security measures:
 - a) Failed to perform a vulnerability assessment regarding its subject premises.
 - b) Failed to properly secure and control the common areas located at the rear of the property.
 - c) Failed to provide adequate lighting for the common areas located at the rear of the property.

- d) Failed to provide sufficient security measures including but not limited to the use of video surveillance cameras, motion detectors and other similar devices.
- e) Failed to properly landscape the surrounding area, including but not limited to trimming and removing shrubbery so as to eliminate areas where criminal activity can be concealed from view.
- f) Failed to provide reasonable adequate security personnel on the evening of July 22, 2015.

NEGLIGENCE

- 14. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 13 above and further alleges:
- 15. Defendants herein owe their invitees, including the Decedent, a duty to use due care to maintain their premises in a reasonably safe condition commensurate with the activities conducted thereon.
- 16. The Defendants knew or should have known that there was a likelihood of criminal conduct of third persons in general which might endanger the safety of invitees, including the Decedent.
- 17. Defendants inadequately designed and/or maintained and/or controlled access to its rear parking lot and related common areas on the subject premises thereby failing to reasonably protect its invitees, including the Decedent.
- 18. The Defendants' failure to fulfill its duty to use reasonable care, including its failure to provide reasonable security measures such as night-time security personnel, surveillance

cameras, adequate lighting, shrubbery maintenance, fencing and/or access control of the subject parking lot resulting in the wrongful death of the Decedent.

19. As a direct and proximate result of the Defendants' and/or their employees / agents negligence, the Estate of DANIEL ROWE has lost the value of his earnings, together with interest thereon, lost the net accumulations beyond death, reduced to present money value and has incurred medical and funeral expenses.

20. As a direct and proximate result of the Defendants' and/or their employees / agents negligence, the statutory survivors under Florida's Wrongful Death Act have lost the Decedent's protection, parental companionship, instruction, and guidance and have endured mental anguish, mental pain, suffering, inconvenience and loss of enjoyment of life.

WHEREFORE, Plaintiffs herein demand judgment for all compensatory damages allowable by Florida law against Defendants, in excess of fifteen thousand dollars (\$15,000.00) and costs of this action.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – BRITNEY ROWIN

21. Plaintiff, BRITNEY ROWIN re-alleges and incorporates paragraphs 14-20 and further alleges:

22. At all times material to this cause Plaintiff BRITNEY ROWIN was the fiancée of the Decedent, biological mother to his child and resided with him in Jacksonville, Duval County, Florida.

23. On the night of July 22, 2015 the Plaintiff, STEVEN ROWE was working across the street at Kickbacks when he was informed that his son had been shot in the head. The Plaintiff,

STEVEN ROWE immediately ran to the scene of the shooting and observed his son and held him until paramedics arrived.

24. On the night of July 22, 2015 the Plaintiff, BRITNEY ROWIN received a phone call from the Decedent's father while he was holding his dying son and her fiancé. The Plaintiff, BRITNEY ROWIN was able to hear and perceive her dying husband, sirens and the chaos surrounding the scene of the shooting.

25. On the night of July 22, 2015 the Plaintiff, BRITNEY ROWIN immediately following the phone call with the Decedent's father went to Shands Hospital where she was able to see her fiancé, DANIEL ROWE immediately prior to his death.

26. In the early morning hours of July 23, 2015 the Plaintiff, BRITNEY ROWIN was present in the hospital at the time of the Decedent's death.

27. As a direct and proximate result of the Defendants' and/or their employees / agents negligence resulting in the death of her fiancée, the Plaintiff, BRITNEY ROWIN has suffered severe emotional distress resulting in her miscarriage of the Decedent's child, pain, suffering, mental anguish, loss of enjoyment of life, inconvenience and related medical and psychological expenses.

WHEREFORE, Plaintiff, BRITNEY ROWIN, demands judgment for all compensatory damages allowable by Florida law against Defendants, in excess of fifteen thousand dollars (\$15,000.00) and costs of this action.

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – STEVEN ROWE

28. Plaintiff, STEVEN ROWE re-alleges and incorporates paragraphs 14-20 and further alleges:

29. At all times material to this cause Plaintiff STEVEN ROWE was the natural father of the Decedent, and resided in Jacksonville, Duval County, Florida.
30. On the night of July 22, 2015 the Plaintiff, STEVEN ROWE was working across the street at Kickbacks when he was informed that his son had been shot in the head. The Plaintiff, STEVEN ROWE immediately ran to the scene of the shooting and observed his son, the Decedent unresponsive and held him until paramedics arrived. Immediately thereafter, the Plaintiff, STEVEN ROWE traveled to and remained at the hospital until the Decedent's passing.
31. As a direct and proximate result of the Defendants' and/or their employees / agents negligence resulting in the death of her fiancé, the Plaintiff, STEVEN ROWE has suffered severe emotional distress resulting in physical injury, pain, suffering, mental anguish, loss of enjoyment of life, inconvenience and related medical and psychological expenses.

WHEREFORE, Plaintiff, STEVEN ROWE, demands judgment for all compensatory damages allowable by Florida law against Defendants, in excess of fifteen thousand dollars (\$15,000.00) and costs of this action.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues as set forth herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been e-filed using Florida's e-filing portal.

BUTLER LAW GROUP

/s/ Howard Butler

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