

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.

**DAMIAN SILEO and MARIA LORENA
SILEO, his wife,**

Plaintiffs,

11-17937CA 11

vs.

**PUBLIX SUPER MARKETS, INC., a
Florida Corporation,**

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, **DAMIAN SILEO and MARIA LORENA SILEO, his wife**, by and through undersigned counsel, sue the Defendant, **PUBLIX SUPER MARKETS, INC.**, and would allege as follows:

1. This is an action for damages which exceed the minimum jurisdictional limits of this Honorable Court, to-wit: Fifteen Thousand and no/100 (\$15,000.00) dollars.
2. At all times relevant to the Complaint in this matter, the Plaintiff, **DAMIAN SILEO**, was a resident of Miami-Dade, and is *sui juris*.
3. At all times relevant to this Complaint, the Plaintiff, **MARIA LORENO SILEO**, was a resident of Miami-Dade, was the spouse of **DAMIAN SILEO**, and is *sui juris*.
4. At all times relevant to the Complaint in this matter, the Defendant, **PUBLIX SUPER MARKETS, INC.**, was a Florida Corporation, organized under the laws of the State of Florida and conducting business in the Miami Dade County, Florida, and is *sui juris*.
5. Jurisdiction is appropriate in this Court because the incident occurred in Miami-Dade County, Florida.

FACTS

6. On or about September 1, 2010, Defendant, **PUBLIX SUPER MARKETS, INC.**, was the owner and in possession of a building located at 13850 SW 8th St, Miami, Florida 33184.

7. At all times relevant to this Complaint, Plaintiff, **DAMIAN SILEO**, was lawfully on the property owned by Defendant, **PUBLIX SUPER MARKETS, INC.**, as a business invitee.

8. Defendant **PUBLIX SUPER MARKETS, INC.** was in possession and or control of a business premises and as such owed a duty of reasonable care to maintain the premises in a reasonably safe condition for the safety of business invitees on the premises such as the Plaintiff. Such duty included reasonable efforts to keep the premises free from transitory foreign objects and or substances, warn of dangerous conditions, and operate the premises in a reasonable mode to prevent loss, injury, or damage.

9. On or about September 1, 2010, Defendant **PUBLIX SUPER MARKETS, INC.** acted negligently by failing to exercise reasonable care in the maintenance, inspection, repair, warning, or mode of operation of its premises such that Plaintiff, **DAMIAN SILEO**, tripped and fell on a vacuum cleaner cord used by an employee of Defendant and was seriously injured.

COUNT I
NEGLIGENCE AGAINST DEFENDANT, PUBLIX SUPER MARKETS, INC.

The Plaintiffs reallege the facts contained in paragraphs 1 through 9 and further states as follows:

10. At all times relevant to this Complaint, the Defendant, **PUBLIX SUPER MARKETS, INC.**, knew or should have known of the dangerous condition on the property, negligently maintained the property so that the dangerous condition was not remedied and or, created the dangerous condition, and or failed to warn its invitee generally and or operated in a negligent mode such that Plaintiff, **DAMIAN SILEO**, fell and was injured on its property.

11. The dangerous condition was created by an employee of Defendant, **PUBLIX SUPER MARKETS, INC.** who was vacuuming in an area where Plaintiff was unable to see the cord causing him

to trip and fall.

12. As a result Plaintiff, **DAMIAN SILEO**, suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, **DAMIAN SILEO**, demands Judgment for damages against the Defendant, **PUBLIX SUPER MARKETS, INC.**, and all such other relief as this Honorable Court deems just and equitable. The Plaintiff demands trial by jury of all issues so triable as of right by a jury.

COUNT II
NEGLIGENT LOSS OF CONSORTIUM AS TO
DEFENDANT, PUBLIX SUPER MARKETS, INC.

The Plaintiffs reallege and readopt the allegations contained in paragraphs 1 through 9 as though fully contained herein and further allege as follows:

13. At all times relevant to this Complaint the Plaintiff, **MARIA LORENO SILEO**, was the spouse of Plaintiff, **DAMIAN SILEO**, and they were and are living together as husband and wife and are dependent upon each other for both services and support.

14 As a direct and proximate result of the above stated negligence of Defendant, **PUBLIX SUPER MARKETS, INC.**, as alleged herein above, Plaintiff, **MARIA LORENO SILEO**, has suffered in the past and will continue to suffer in the future, the loss of **DAMIAN SILEO'S** services, support, consortium and the care and comfort of his society.

WHEREFORE, the Plaintiff, **MARIA LORENO SILEO**, demands Judgment for damages against the Defendant, **PUBLIX SUPER MARKETS, INC.**, and all such other relief as this Honorable

Court deems just and equitable. The Plaintiff demands trial by jury of all issues so triable as of right by a jury.

DATED: this 10 day of June 2011.

ARONFELD TRIAL LAWYERS.

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