

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA**

CASE NO.:

DONALD ROBERTS,

Plaintiff,

v.

BLICKMAN PROPERTIES, INC.,

Defendant.

_____ /

COMPLAINT

COMES NOW, Plaintiff, DONALD ROBERTS (hereinafter referred to as “Plaintiff”), by and through the undersigned attorneys, and hereby sues the Defendant, BLICKMAN PROPERTIES, INC. (hereinafter referred to as “Defendant”), and alleges:

JURISDICTION AND VENUE

1. This is an action for damages that exceeds the sum of FIFTY THOUSAND DOLLARS (\$50,000.00), exclusive of costs, interest and attorneys’ fees (The estimated value of Plaintiff’s claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff has entered “\$50,001” in the civil cover sheet for the “estimated amount of the claim” as required in the preamble to the civil cover sheet for *jurisdictional purposes only* (the Florida Supreme Court has ordered that the estimated “amount of claim” be set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff’s claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

2. Venue is proper in this Court as the incident giving rise to this action occurred in Volusia County, Florida, and the Defendants, BLICKMAN PROPERTIES, INC. at all times material hereto, conducted their business operations within Volusia County, Florida.

PARTIES

3. Plaintiff, DONALD ROBERTS, is a natural person, and at all times material hereto, was *sui juris* and residing in Deland, Volusia County, Florida.

4. Defendant, BLICKMAN PROPERTIES, INC., a Florida Profit Corporation company licensed to do business in the State of Florida.

GENERAL ALLEGATIONS

5. Plaintiff realleges and incorporates by reference the allegations set forth in paragraphs 1 through 4 as if fully set forth herein.

6. At all times material hereto and on May 14, 2024, Defendant, BLICKMAN PROPERTIES, INC., owned, operated, managed, controlled, maintained and/or possessed a business located at 3701 S. Atlantic Avenue, Daytona Beach Shores, Florida 32118 (hereinafter referred to as “Premises”), said business being open to the general public, including Plaintiff herein.

7. At all times material hereto, Defendant, BLICKMAN PROPERTIES, INC., owned or controlled the pier at the above address over which Defendant, BLICKMAN PROPERTIES, INC. exercised dominion and control either individually or collectively with another, by virtue of registered property ownership, by virtue of assumption of control and the undertaking of affirmative acts of ownership, control or authority, thereby giving rise to a duty of care owed to Plaintiff and other person similarly situated.

8. On or about May 14, 2024, Plaintiff was a member of the general public on the Defendant's Premises located at the aforementioned address as a business invitee.

9. At said time and place, Plaintiff suddenly and without warning slipped on the wet concrete causing him to fall sustaining serious injuries.

10. At said time and place, Plaintiff was a business invitee lawfully upon the Premises of the Defendant, BLICKMAN PROPERTIES, INC., who owed Plaintiff duty to exercise reasonable care for Plaintiff's safety.

11. That the aforesaid fall and injuries resulting therefrom were due solely and wholly as a result of the negligent manner that Defendant, BLICKMAN PROPERTIES, INC., its agents, servants and/or employees owned, operated, maintained, managed, and controlled the aforesaid Premises.

COUNT I - BLICKMAN PROPERTIES, INC. – GENERAL NEGLIGENCE

Plaintiff hereby incorporates and re-alleges the allegations contained in paragraphs 1 through 11 as though fully set forth herein and further states:

12. At all times material to this cause of action, Defendant, BLICKMAN PROPERTIES, INC., owned and operated the property located at 3701 S. Atlantic Avenue, Daytona Beach Shores, Florida 32118.

13. At all time material to this cause of action the Defendant, BLICKMAN PROPERTIES, INC., owned the subject property and had a duty to maintain the property in a reasonably safe condition and/or warn of any dangerous condition they knew about or should have known about because of length of time the dangerous condition and/or the dangerous condition to pier was foreseeable and the Defendant failed to warn the Plaintiff.

14. At that time and place the Defendant, BLICKMAN PROPERTIES, INC., had a non-delegable duty to maintain the subjected property in a reasonably safe condition for the general public including the Plaintiff herein.

15. On or about May 14, 2024, the Plaintiff, DONALD ROBERTS, was a member of the general public lawfully on the premise of the Defendant, BLICKMAN PROPERTIES, INC., who owed the Plaintiff a duty to exercise reasonable care for her safety.

16. At said time and place the Defendant, BLICKMAN PROPERTIES, INC., breached its duty owed to the Plaintiff, DONALD ROBERTS, by committing one or more of the following omissions or commissions:

- a. Negligently failing to maintain or adequately maintain the premises specific the pier, thus creating a slip hazard to members of the public utilizing said premises, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b. Negligently failing to inspect or adequately inspect the pier as specified above, to ascertain whether the wet slippery concrete constituted a slip hazard to business invitees walking throughout the premises, 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 wet slippery pier, when Defendant knew or through the exercise of reasonable care should have known that said premises was unreasonably dangerous and that Plaintiff was unaware of same;
- d. Negligently failing to correct and/or maintain and/or repair and/or adequately correct and/or replace the pier thus creating an unreasonably dangerous condition

of the flooring on Defendant's premises, 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;

- e. Negligently failing to install, maintain and provide a safe surface on the pier within the subject premises;

17. As a direct and proximate result of the breach of the aforesaid duties and negligence by Defendant, BLICKMAN PROPERTIES, INC., suddenly and without warning Plaintiff slipped and fell on a slippery surface causing him to sustain serious bodily injuries.

18. The specific manner in which Plaintiff, DONALD ROBERTS, was injured was foreseeable to Defendant, BLICKMAN PROPERTIES, INC., and the Defendant, BLICKMAN PROPERTIES, INC., knew or should have known of the specific risk of harm to the Plaintiff, DONALD ROBERTS, as a result of the Defendant's negligence.

19. As a direct and proximate result of the breach of the aforesaid duties and negligence by Defendant, BLICKMAN PROPERTIES, INC., Plaintiff suffered serious bodily injury and resulting pain and suffering, disability, scarring, disfigurement, mental anguish, loss of capacity for the enjoyment of life, and expenses of hospitalization, medical, nursing and other health care treatment, loss of earning, loss of his capacity to earn, and aggravation of a previously existing condition. These injuries are either permanent or continuing, and Plaintiff will suffer the losses and impairment in the future.

Wherefore, Plaintiff, DONALD ROBERTS, sues and demands judgment for damages against Defendant, BLICKMAN PROPERTIES, INC., costs of this action, trial by jury of all issues so triable, and for such other relief as the Court may deem just and proper.

Respectfully submitted this 16th day of May 2025.

/s/ Roman Diveev

Roman Diveev, Esquire

FBN: 1002233

Morgan & Morgan, P.A.

444 Seabreeze Blvd, Suite 100

Daytona Beach, FL 32118

Telephone: (386) 241-1227

Facsimile: (386) 241-1277

Primary email: rdiveev@forthepeople.com

Secondary email: jelee@forthepeople.com

Attorneys for Plaintiff