

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

CASE NUMBER:
DIVISION:

HOEINA MADANLOU, as personal
Representative of the ESTATE OF
SINA SHARIFAI,

Plaintiff,

vs.

HINES GLOBAL REIT 4875 TOWN CENTER,
LLC, a foreign limited liability company,
and SUITE JX, LLC, d/b/a SUITE, a
dissolved Florida limited liability company,

Defendants.

COMPLAINT

The Plaintiff, HOEINA MADANLOU, as personal representative of the ESTATE of SINA SHARIFAI, by and through undersigned counsel and pursuant to the Florida Wrongful Death Act, Florida Statutes Sections 768.16-768.26, hereby sues HINES GLOBAL REIT 4875 TOWN CENTER LLC, a foreign limited liability company ("Hines"), and SUITE JX, LLC, d/b/a SUITE, a Florida limited liability company ("Suite"), and alleges:

1. This is an action for damages in excess of \$15,000.00, exclusive of interest, costs and attorneys' fees.
2. Venue is proper in Duval County, Florida pursuant to Section 47.011 Florida Statutes.
3. HOEINA MADANLOU, is the Personal Representative of the ESTATE of

SINA SHARIFAI (Duval County Case No. 2017-CP-002644) (the “Estate”) and brings this action on behalf of the Estate and all statutory survivors.

4. Sina Sharifai (the “Decedent”) (date of birth June 3, 1992) died on March 24, 2017 in Jacksonville, Duval County, Florida.

5. The Decedent is survived by his mother, Hoeina Madanlou, his father, Khosrow Sharifai and his adult sister Yasmine Sharifai.

6. At all times material to this Complaint, the Decedent was a resident of Jacksonville, Duval County, Florida.

7. Defendant, Hines, is a foreign limited liability company, which at all times material owned and managed the property located at 4880 Big Island Drive, Suite 1, Jacksonville, Duval County, Florida (the “Club”), as well as the surrounding parking lot area (the “Parking Lot”) (collectively with the Club, the “Premises”).

8. Defendant, Suite, is an inactive Florida limited liability company, with its principle place of business in Jacksonville, Duval County, Florida, and is, or was at all times relevant to this Complaint, the tenant of the Club.

9. At all times material, Suite operated a night club and bar at the Club with the permission of Hines.

10. On March 24, 2017, the Decedent was invited onto and lawfully at the Premises.

11. On March 24, 2017, the Decedent was attacked and murdered while on the Premises.

12. In the five (5) calendar years prior to March 24, 2017, there were several calls for service to the Premises and surrounding area. Upon information and belief, many crimes occurring in the Club and Parking lot during the prior five years were not reported to law enforcement.

13. In the five (5) calendar years prior to March 24, 2017 there were two rapes, several batteries and other violent crime that occurred on the Premises.

14. On March 24, 2017, Defendants failed to have adequate security at the Premises.

15. On March 24, 2017, Defendants failed to provide adequate measures to prevent crime from occurring.

16. On March 24, 2017, Sina Sharifia attempted to rescue and save a female who was being assaulted, battered and kidnapped by Toray Ricketts, when Toray Ricketts, who was carrying a gun, shot and killed Sina Sharifai on the Premises.

17. Prior to being murdered by Toray Ricketts, Sina Sharifai was able to save the female from further harm or death.

COUNT I - NEGLIGENCE AS TO HINES

18. Plaintiff re-alleges and incorporates paragraphs 1 through 17 above as if fully set forth herein.

19. At all times material and on March 24, 2017, Hines, through its agents and employees, had a duty to exercise reasonable and ordinary care to keep and maintain its premises in a condition reasonably safe for use by its guests and invitees, including a duty to take reasonable steps to protect the Decedent, an invitee on the Premises, against

violent crime by ensuring the Premises was safe for invitees.

20. The duty extended to Sina Sharifai includes the duty to provide safety, security and protection from known dangers, including the duty to provide safety, security and protection from reasonably foreseeable acts of threats, force, violence or bodily harm from individuals on the subject Premises.

21. On March 24, 2017, Hines had a duty to take such precautions as were reasonably necessary to protect its guests or invitees, including the Decedent, from criminal attacks which were reasonably foreseeable.

22. Hines knew or in the exercise of reasonable care should have known of the substantial criminal activity and history on the Premises and the surrounding area. There had been numerous criminal acts and attacks perpetrated in said areas, and criminal acts and attacks were reasonably likely to be perpetrated on guests or invitees unless Hines took steps to provide proper security for such individuals, like Sina Sharifai.

23. Hines knew or in the exercise of reasonable care should have known that no individual, including Sina Sharifai, had it within his power to take the measures necessary to provide for her own security on the Premises.

24. At all times material, Hines knew or should have known there was a history of criminal activity on the Premises, including, but not limited to batteries, assaults, criminal threats, felony batteries resulting in great bodily harm and sexual battery within a one block radius or on the Premises over the past five years.

25. Prior to and on March 24, 2017, it was reasonably foreseeable by Hines that criminal acts would continue to occur on the property and thus, Hines knew or should

have known of the risk of a violent crime on the Premises.

26. As a result of the foregoing, at all times material, the criminal attack and murder of Sina Sharifai was reasonably foreseeable, and Hines was in the superior position to appreciate such hazards and take necessary steps to prevent harm to guests or invitees, including Sina Sharifai.

27. On March 24, 2017 at the Premises, Hines breached its duty of care to provide a reasonably safe Premises to its invitees and was negligent in one or more of the following ways:

- a) failing to provide adequate security guards to patrol the premises;
- b) failing to provide appropriate safety/security instruction or protocol;
- c) failing to properly train security officers;
- d) failing to warn the Decedent of the known risk of being attacked on the Premises;
- e) failing to warn the Decedent of prior criminal activity on the Premises of which it was or should have been aware;
- f) failing to provide adequate lighting to deter criminal activity;
- g) failing to take steps to deter criminal activity, including drug and violent crime activity;
- h) failing to provide reasonably adequate safety and security on the day in question to and for guests and invitees, including Sina Sharifai;
- i) failing to provide reasonably adequate safety and security prior to the incident, so as to deter criminal activity, which had occurred before

and could reasonably occur again;

- j) by failing to provide adequate surveillance equipment throughout the Premises to deter criminal activity;
- k) by failing to hire and retain adequate and competent private security personnel to patrol and/or monitor the subject Premises, thereby protecting its invitees and guests;
- l) by failing to have a sufficient number of guards or law enforcement in visible areas at the Premises to deter crime, thereby protecting its guests;
- m) by failing to properly train security guards to exercise appropriate security measures;
- n) failing to have emergency safety fixtures enabling guests to call or otherwise alert law enforcement or other emergency assistance; and
- o) permitting an atmosphere at the Premises which facilitated the commission of crimes against persons.

28. Defendant Hines, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative,

a. The Defendant through its agents and employees, did in fact have procedures governing the inspection, supervision, and security of the area where the subject occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,

b. The Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented same in a careless and negligent manner; or in the alternative

c. The Defendant through its agents and employees, negligently failed to hire persons, employees and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its guests, invitees and the public, including the areas of the building where the subject incident occurred.

29. Defendant Hines created and/or knowingly allowed to be created said dangerous conditions as stated above on the Premises; or in the alternative, did allow said dangerous conditions to exist for a length of time sufficient in which a reasonable inspection would have disclosed same.

30. Further, Defendant Hines failed to warn its guests, invitees and the public, including Sina Sharifai of the existence of said dangerous conditions.

31. But for Hines' failure to provide a reasonably safe environment, the Decedent would not have been attacked and killed on the Premises.

32. As a direct and proximate result of the negligence of Hines, the Decedent was attacked, shot and murdered on the Premises.

33. The negligence of Defendant Hines proximately caused Sina Sharifai's death and led to the criminal attack of Sina Sharifai in that:

a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal act;

b. There was inadequate and/or nonexistent physical deterrence to prevent said

criminal attack;

c. Criminals could carry out physical attacks on the Defendant's premises without fear of being caught, discovered, and/or prosecuted;

d. An atmosphere was created at the Defendant's Premises which facilitated the commission of crimes against persons.

34. The murder of Sina Sharifai was foreseeable and preventable by Defendant Hines.

35. Plaintiff, on behalf of the Estate and all survivors, seeks recovery of any and all damages allowable under Florida's Wrongful Death Act.

WHEREFORE, Plaintiff demands judgment for damages, including, but not limited to, all wrongful death damages allowable under Florida law, plus pre-judgment interest on liquidated damages and costs against Hines, and such further relief as the Court may award.

COUNT II - NEGLIGENCE AS TO SUITE

36. Plaintiff re-alleges and incorporates paragraphs 1 through 17 above as if fully set forth herein.

37. At all times material and on March 24, 2017, Suite, through its agents and employees, had a duty to exercise reasonable and ordinary care to keep and maintain its premises in a condition reasonably safe for use by its guests and invitees, including a duty to take reasonable steps to protect the Decedent, an invitee on the Premises, against violent crime by ensuring the Premises was safe for invitees.

38. The duty extended to Sina Sharifai includes the duty to provide safety,

security and protection from known dangers, including the duty to provide safety, security and protection from reasonably foreseeable acts of threats, force, violence or bodily harm from individuals on the subject Premises.

39. On March 24, 2017, Suite had a duty to take such precautions as were reasonably necessary to protect its guests or invitees, including the Decedent, from criminal attacks which were reasonably foreseeable.

40. Suite knew or in the exercise of reasonable care should have known of the substantial criminal activity and history on the Premises and the surrounding area. There had been numerous criminal acts and attacks perpetrated in said areas, and criminal acts and attacks were reasonably likely to be perpetrated on guests or invitees unless Suite took steps to provide proper security for such individuals, like Sina Sharifai.

41. Suite knew or in the exercise of reasonable care should have known that no individual, including Sina Sharifai, had it within his power to take the measures necessary to provide for her own security on the Premises.

42. At all times material, Suite knew or should have known there was a history of criminal activity on the Premises, including, but not limited to batteries, rapes, assaults, criminal threats, felony batteries resulting in great bodily harm and sexual battery within a one block radius or on the Premises over the past five years.

43. Prior to and on March 24, 2017, it was reasonably foreseeable by Suite that criminal acts would continue to occur on the property and thus, Suite knew or should have known of the risk of a violent crime on the Premises.

44. As a result of the foregoing, at all times material, the criminal attack and

murder of Sina Sharifai was reasonably foreseeable, and Suite was in the superior position to appreciate such hazards and take necessary steps to prevent harm to guests or invitees, including Sina Sharifai.

45. On March 24, 2017 at the Premises, Suite breached its duty of care to provide a reasonably safe Premises to its invitees and was negligent in one or more of the following ways:

- a) failing to provide adequate security guards to patrol the premises;
- b) failing to provide appropriate safety/security instruction or protocol;
- c) failing to properly train security officers;
- d) failing to warn the Decedent of the known risk of being attacked on the Premises;
- e) failing to warn the Decedent of prior criminal activity on the Premises of which it was or should have been aware;
- f) failing to provide adequate lighting to deter criminal activity;
- g) failing to take steps to deter criminal activity, including drug and violent crime activity;
- h) failing to provide reasonably adequate safety and security on the day in question to and for guests and invitees, including Sina Sharifai;
- i) failing to provide reasonably adequate safety and security prior to the incident, so as to deter criminal activity, which had occurred before and could reasonably occur again;
- j) by failing to provide adequate surveillance equipment throughout the

Premises to deter criminal activity;

- k) by failing to hire and retain adequate and competent private security personnel to patrol and/or monitor the subject Premises, thereby protecting its invitees and guests;
- l) by failing to have a sufficient number of guards or law enforcement in visible areas at the Premises to deter crime, thereby protecting its guests;
- m) by failing to properly train security guards to exercise appropriate security measures;
- n) failing to have emergency safety fixtures enabling guests to call or otherwise alert law enforcement or other emergency assistance; and
- o) permitting an atmosphere at the Premises which facilitated the commission of crimes against persons.

46. Defendant Suite, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative,

a. The Defendant through its agents and employees, did in fact have procedures governing the inspection, supervision, and security of the area where the subject occurred; however, the Defendant negligently and carelessly failed to implement said procedures; or in the alternative,

b. The Defendant, through its agents and employees, did have procedures governing the inspection, supervision, and security of the area where the subject incident

occurred, but implemented same in a careless and negligent manner; or in the alternative,

c. The Defendant through its agents and employees, negligently failed to hire persons, employees and/or agents reasonably suited for providing, implementing and maintaining proper security measures adequate to ensure the safety of its guests, invitees and the public, including the areas of the building where the subject incident occurred.

47. Defendant Suite created and/or knowingly allowed to be created said dangerous conditions as stated above on the Premises; or in the alternative, did allow said dangerous conditions to exist for a length of time sufficient in which a reasonable inspection would have disclosed same.

48. Further, Defendant Suite failed to warn its guests, invitees and the public, including Sina Sharifai of the existence of said dangerous conditions.

49. But for Suite's failure to provide a reasonably safe environment, the Decedent would not have been attacked and killed on the Premises.

50. As a direct and proximate result of the negligence of Suite, the Decedent was attacked, shot and murdered on the Premises.

51. The negligence of Defendant Suite proximately caused Sina Sharifai's death and led to the criminal attack of Sina Sharifai in that:

a. There was inadequate and/or nonexistent visible deterrence to prevent said criminal act;

b. There was inadequate and/or nonexistent physical deterrence to prevent said criminal attack;

c. Criminals could carry out physical attacks on the Defendant's premises without

fear of being caught, discovered, and/or prosecuted;

d. An atmosphere was created at the Defendant's Premises which facilitated the commission of crimes against persons.

52. The murder of Sina Sharifai was foreseeable and preventable by Defendant Suite.

53. Plaintiff, on behalf of the Estate and all survivors, seeks recovery of any and all damages allowable under Florida's Wrongful Death Act.

WHEREFORE, Plaintiff demands judgment for damages, including, but not limited to, all wrongful death damages allowable under Florida law, plus pre-judgment interest on liquidated damages and costs against Suite, and such further relief as the Court may award.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable.

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