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IN THE CIRCUIT COURT OF
THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL CIRCUIT JURISDICTION

CASE NO:

MARIE GEFFRARD,

Plaintiff,

v.

WEST PALM HOTELS, LLC,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Marie Geffrard, hereby submits this Complaint and Demand for Jury Trial against Defendant, West Palm Hotels, LLC, and alleges as follows.

GENERAL ALLEGATIONS

Parties, Jurisdiction, and Venue

1. This is an action for damages in excess of $15,000.00, exclusive of interest, costs, and attorney fees.

2. At all material times, Plaintiff, Marie Geffrard ("Ms. Geffrard"), has resided in Palm Beach County, Florida.

3. At all material times, Defendant, West Palm Hotels, LLC ("WPH"), has been a Delaware corporation and has conducted business in Palm Beach County, Florida. Specifically, WPH owns and operates a Super 8 motel in Lantana, Florida (Motel). The Motel is located at 1255 Hypoluxo Road, Lantana, Florida 33462. WPH is the owner of the Motel and premises located at this address.

Dimond, Kaplan & Rothstein, P.A.
Northbridge Centre, 515 North Flagler Drive, Suite P-300, West Palm Beach, FL 33401 Phone: 561-671-1920 Fax: 561-370-7401

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4. Venue is proper because WPH conducts business in Palm Beach County, Florida, and because the claims alleged herein arose in Palm Beach County.

Common Allegations

5. On or about February 27, 2018, Juan Carlos Cabrera (Cabrera) attacked Ms. Geffrard with a chainsaw on the sidewalk adjacent to the Motel.
6. Cabrera was a guest of the Motel at the time of the attack.
7. For the reasons that follow, WPH is liable for Ms. Geffrard's injuries suffered during the attack.

WPH's Business Practices Attract An Extraordinary Amount of Crime to the Motel

8. Prior to February 27, 2018, the date of the incident at issue, the Motel had a long history of crime emanating from it.
9. In fact, the amount of crime emanating from the Motel has been so extraordinary that the Lantana Police Chief, Sean Scheller (Police Chief Scheller), made it his business to meet with the Motel's management personnel on several occasions.
10. During those meetings, Police Chief Scheller made suggestions for certain security measures to be taken with the aim of reducing crime at the Motel.
11. But management rejected all, or virtually all, of Police Chief Scheller's recommended security measures.
12. As a result, Police Chief Scheller has publicly stated that he is worried that innocent bystanders will get hurt as a result of crimes emanating from the Motel.
13. Police Chief Scheller also has stated publicly that the Motel's management is interested only in filling rooms, and does not care who they fill them with.
14. WPH knew or should have known of the facts described in paragraphs 8 through 13.

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15. Indeed, Police Chief Scheller's comments all were made public via an article published in the Palm Beach Post on December 13, 2015.[1]

16. Still, WPH took no measures to reduce the criminal activity emanating from the Motel.

17. Instead, WPH has operated the Motel and engaged in business practices that have attracted a particular demographic likely to engage in dangerous, life-threatening criminal behavior.

18. Indeed, there have been thousands of calls for police service at the Motel during the past few years.

19. Some of the crimes emanating from the Motel include shootings, rapes, drug-related crimes, stolen vehicles, prostitution, armed robberies, and batteries.

20. Notably, the amount of crime emanating from the Motel dwarfs that of the neighboring Holiday Inn and Comfort Inn.

21. WPH charges substantially less money for rooms at its Motel than the neighboring Holiday Inn and Comfort Inn charge for rooms.

22. By charging such low rates in a high-crime neighborhood, the Motel attracts a higher rate of criminals than it otherwise would, thus creating a foreseeable zone of risk and opportunity for third-party criminal conduct.

23. Indeed, as recently as May 8, 2018, a murder suspect was arrested after he was found hiding out at the Motel.[2]

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[1] *See* "Years of Crime Plagues Lantana Motel – Police report more than once call per day in past decade," *Palm Beach Post*, December 13, 2015. A copy of the Palm Beach Post article is attached hereto as Exhibit A.
[2] *See* "BREAKING: Judge denies bond for man arrested in West Palm Beach homicide," *Palm Beach Post*, May 8, 2018. A copy of the Palm Beach Post article is attached hereto as Exhibit B.

Cabrera Uses the Motel as a Launching Pad for the Chainsaw Attack

24. Cabrera checked into the Motel as a guest on or about the night of February 26, 2018 or the early morning hours of February 27, 2018.

25. On the morning of February 27, 2018, Cabrera opened the trunk of his parked car on the Motel's premises, and retrieved a chainsaw.

26. Simultaneously, Ms. Geffrard was walking on the sidewalk in front of the Motel.

27. Cabrera attacked Ms. Geffrard with the chainsaw on the sidewalk in front of the Motel.

28. Ms. Geffrard suffered serious bodily injury during the attack.

COUNT I – NEGLIGENCE (ZONE OF RISK)

29. Ms. Geffrard re-alleges paragraphs 1 through 28 and incorporates them herein.

30. During the time leading up to and including February 27, 2018, WPH operated the Motel in a fashion that WPH knew, or reasonably should have known, would attract a particular demographic likely to engage in all sorts of illicit and criminal behavior.

31. In doing so, WPH created a foreseeable zone of risk posing a general threat of harm to other persons, including Ms. Geffrard, who came on or near the Motel's premises.

32. WPH owed a duty to all those persons foreseeably coming into contact with that zone of risk, including Ms. Geffrard, to take precautions to lessen the risk and threat of harm to others.

33. WPH breached its duty to take the necessary precautions.

34. Even after Police Chief Scheller warned that such precautions were necessary to prevent injury to innocent third parties, WPH operated the Motel in a fashion that created a foreseeable zone of risk to third parties but took no precautions to lessen the risk and threat of harm to others.

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35. As a direct and proximate result of WPH's negligence in creating a foreseeable zone of risk and failure to take measures to lessen the risk, Ms. Geffrard suffered permanent bodily injury and resulting past, present, and future pain and suffering, disability, disfigurement, physical impairment, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, lost past wages, and loss of future earning capacity. The losses are either permanent or continuing and Ms. Geffrard will suffer the losses in the future.

WHEREFORE, Plaintiff, Marie Geffrard, sues the Defendant, West Palm Hotels, LLC, and demands judgment against it for damages, costs, and interest, and all such other and further relief that the Court deems necessary and just.

DEMAND FOR JURY TRIAL

36. Plaintiff, Marie Geffrard, demands a trial by jury against Defendant, West Palm Hotels, LLC, of all issues so triable as a matter of right.

DATED THIS 23rd DAY OF AUGUST, 2018.

Respectfully submitted,

/s/ Jared A. Levy
DIMOND KAPLAN & ROTHSTEIN, P.A.
Jared A. Levy, Esq.
Florida Bar No. 645486
Attorneys for Plaintiff
515 N. Flagler Dr., Suite P-300
West Palm Beach, Florida 33401
Telephone: (561) 671-1920
Facsimile: (561) 370-7401
Primary email: jlevy@dkrpa.com
Secondary email: mvan#@dkrpa.com

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EXHIBIT A

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Years of crime plagues Lantana motel

Police report more than one call per day in past decade

local

By Lulu Ramadan - Palm Beach Post Staff Writer

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Posted: 7:00 a.m. Sunday, December 13, 2015

LANTANA —

During her nearly two-month stay this fall at the Super 8 Motel on Hypoluxo Road, Marie said she saw police lights flashing outside her windows almost every night.

And she wasn't surprised.

"That's just the way it is here. Those are the types of people you'll find here," she said of the single-story Lantana motel.

Three days after a woman was shot in the chest Nov. 15 in a nearby room, Marie looked out past the bits of yellow police tape half-buried in the soil around the corner of her room.

"That's where it happened," she said pointing. It was a domestic shooting, according to police. The woman survived, but no arrests were made.

Two days before, police found a man dead inside another room during a welfare check.

"Drugs," she said, shrugging her shoulders. The man had overdosed on an unknown substance, according to police reports.

A 'cheap' price a draw for customers

Marie, who asked that her last name not be published, had been staying at the Super 8 with her sister and two young nephews after their Lantana home was foreclosed. She said she knew the Super 8 had "issues" with criminal activity, but they still chose to stay there.

"It's cheap," she said of the motel that is $60 to $100 per night. "It's a roof over our heads instead of sleeping in the street."

Lantana, a fairly quiet town of 10,000, has a police department of 28 officers who spend a majority of their time at that Super 8, Chief Sean Scheller told The Palm Beach Post.

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The department reported more than 5,100 calls for police service at the motel in the past decade, records show. That amounts to more than one per day.

"We allocate a lot of resources to that location," Scheller said.

In the past 10 years, officers have responded to reports of 10 rapes, 25 stolen vehicles, 65 drug investigations, six armed robberies and 16 batteries, according to statistics collected by the department.

The motel has also seen one stabbing and three shootings since 2005, records show.

"Normally when we have a shooting, it's narcotic-related. The people know each other, it's not random people shooting at each other," Scheller said.

People staying at the motel at the time of the Nov. 15 shooting spoke about some crimes they witnessed at the motel, but declined to share their names. One Lake Worth man who checked in the night before the shooting told The Palm Beach Post he was staying at the motel for "reasons you can't put in the paper.

"You get a lot of people, you know, criminal activity coming around here," he said. "You just stay to yourself."

Why the high police activity?

Two nearby motels have had similar incidents, but not nearly the volume of the Super 8.

A Holiday Inn, directly east of the Super 8, has had a little more than 200 calls for service since it opened in January, 127 of which were requests for extra patrol.

Just east of the Holiday Inn, the Comfort Inn on Hypoluxo has had about 1,500 calls for service since it opened in 2010.

Perhaps one reason for the high calls to service is that unlike the Holiday Inn or Comfort Inn, the single-story Super 8 motel has room entrances facing the street so guests don't need to pass through the a lobby to get to their rooms.

"We're rolling through [the Super 8] at least five or six times a day," Scheller said, adding that the calls are mainly for drugs or prostitution.

General Manager Jermaine Burke, who has held the position for more than two years, declined to comment.

The Super 8 has made headlines several times recently. Among the notable incidents:

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- In June, two teenagers missing from Martin County were found working as prostitutes out of the motel. Avian Jackson, the 22-year-old man who police say persuaded the girls to set up an escort service and profited from the crimes, was arrested.

- Two months earlier, the manager of the motel contacted police to report a runaway teen from South Carolina was involved in a sex ring at the motel, and was being beaten by her boyfriend, according to police reports.

- In a drug-related incident, Joseph Pugh, a 32-year-old alleged dealer was arrested in March after police say he sold cocaine and marijuana out of the motel.

- A case that made headlines involved a former Palm Beach County Sheriff's deputy who allegedly went to the motel have sex with prostitutes while on duty in 2014.

Moses Baker resigned his position with the sheriff's office rather than face criminal charges in the case, according to a Palm Beach Post story published Nov. 5, 2014.

Sheriff's deputies and investigators placed a tracking device on Baker's car earlier that year. Days after placing the device, investigators said they saw Baker speaking to a woman who told deputies Baker paid $60 for a sex act.

Gang member shot at car in parking lot in 2006

But the most memorable case to Scheller was a 2006 homicide — the only homicide at the motel in the past decade, he said.

"(The motel is) right on the border of Boynton Beach and it was a huge gang in Boynton Beach involved," he said.

Sherwood Joseph, a reputed member of street gang "Top 6" opened fire on a car in the motel parking lot with a high-powered assault rifle. Jonquinton Jackson, 20, was killed. Joseph was sentenced to life in prison for the slaying.

The volume of incidents at the motel encouraged Scheller to meet with management a few times over the years, he said.

He made suggestions that he thought would reduce the number of crimes, like requiring parking passes so officers can monitor cars that don't belong there, he said. But management never adopted any of his ideas as far as he knew, he said.

"We're worried about people who are there for innocent reasons getting caught up in a bad area," Scheller said.

Burke denied being contacted by police.

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“At the end of the day, they want business. They want to fill rooms,” Scheller said. “They don’t care who they fill them with.”

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EXHIBIT B

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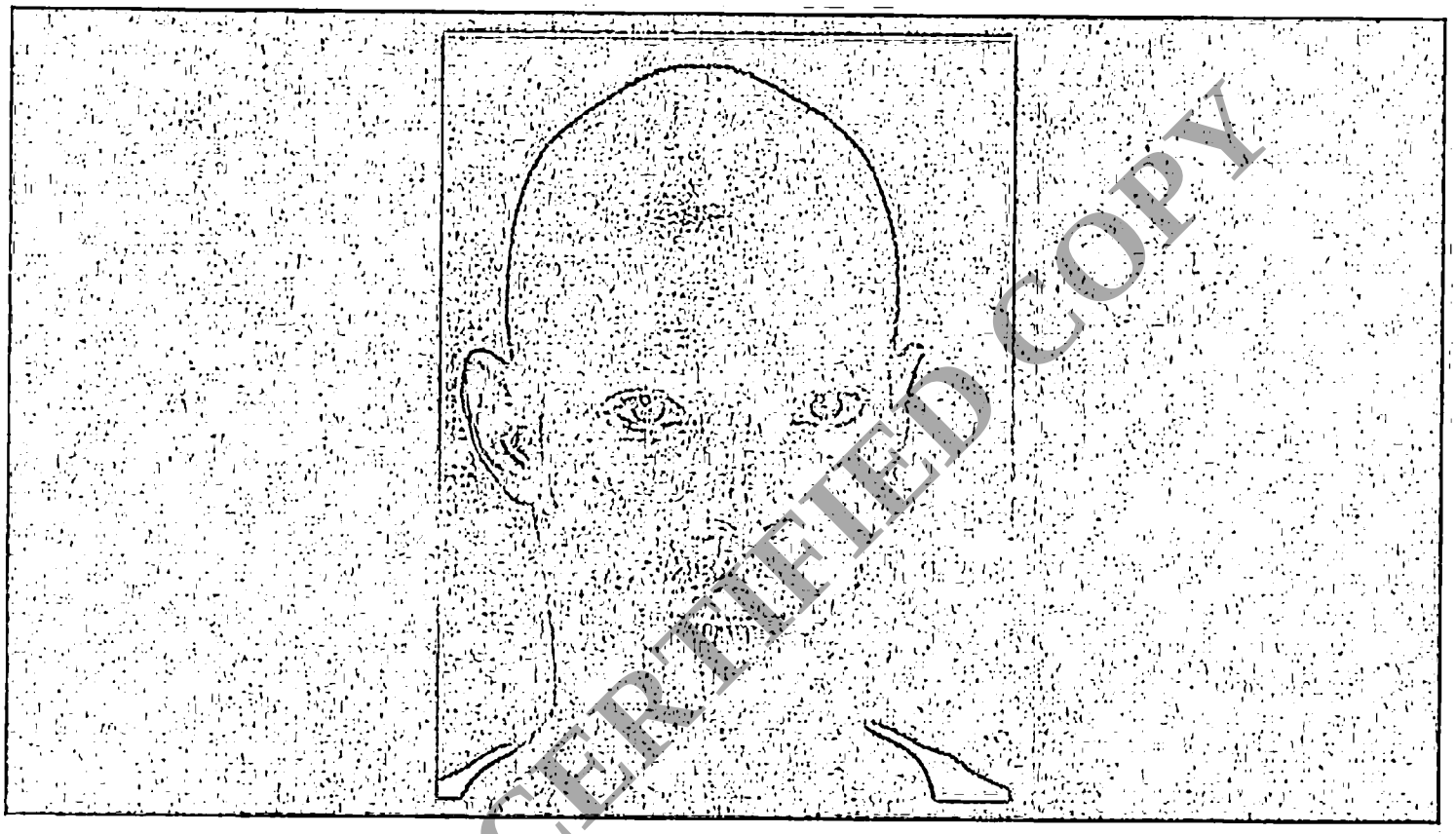

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BREAKING: Judge denies bond for man arrested in West Palm Beach homicide

May 08, 2018
By Olivia Hitchcock, Palm Beach Post Staff Writer

WEST PALM BEACH — A judge has ruled that Daron Breon Harrell remain behind bars while the first-degree murder charge against him moves through the courts.

Harrell, 33, of Riviera Beach was arrested Sunday in Lantana at a Super 8 motel in the shooting death of Kevin Lamar Stevens.

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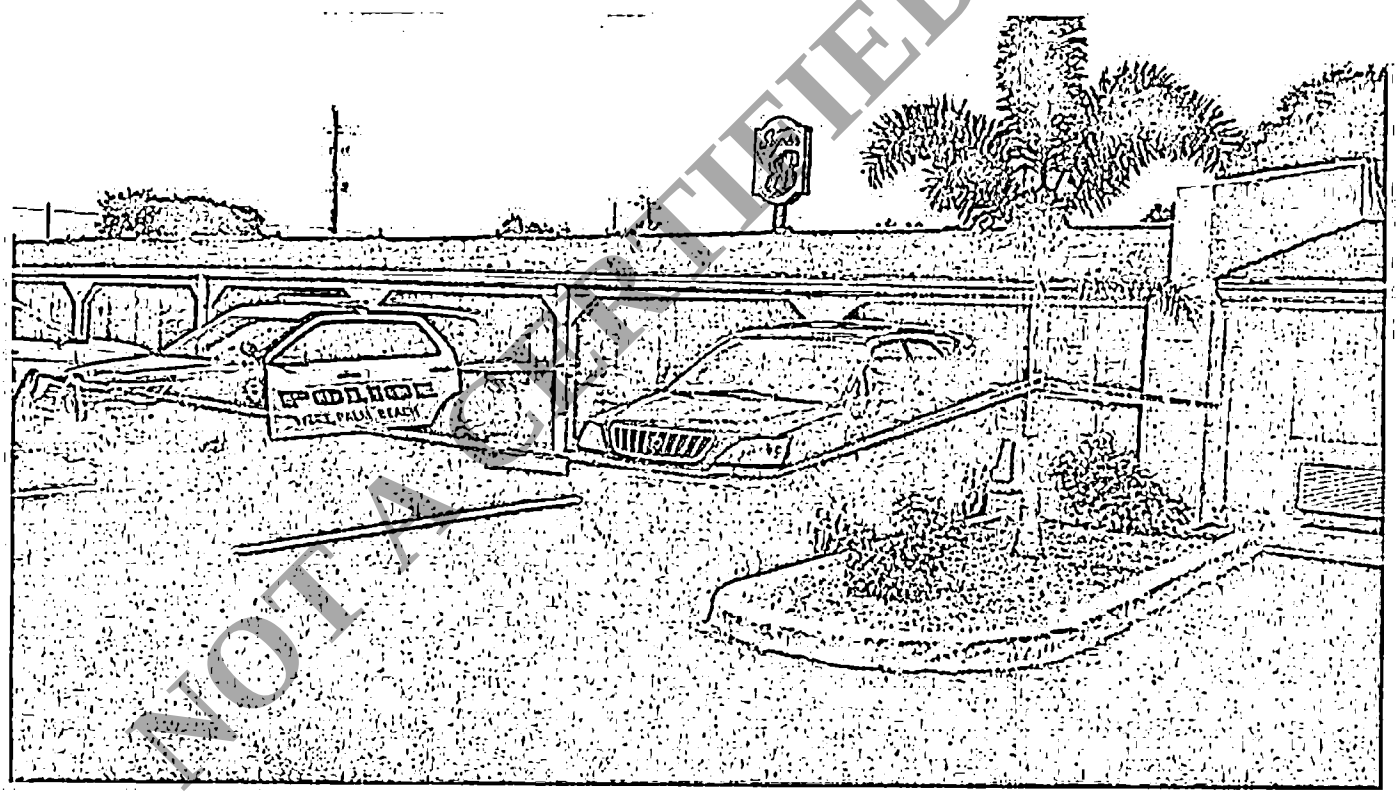
Judge Dina Keever-Agrama ordered Tuesday that Harrell appear before the court for his bond hearing, despite his multiple refusals. She ruled he cannot have contact with neither the witnesses in the case nor the victim's family.

Authorities have not commented on how they believe Harrell is linked to Stevens' death.

Stevens was found dead Saturday morning after his car crashed into a parked car in the 700 block of Fifth Street in West Palm Beach. Multiple people called 911 to report the car wreck, but authorities say the 36-year-old had been shot to death.

Police issued a warrant for Harrell's arrest, and at about 5:30 a.m. Sunday, U.S. Marshals found Harrell at the Super 8 on Hypoluxo Road, just east of North Seacrest Boulevard.



The Super 8 Motel in Lantana, where authorities took Daron Harrell into custody on Sunday. (Photo by Patricia Beall)

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Harrell was taken into custody without incident, police said.

An assistant state attorney said he does not appear to have a criminal history in Florida.

The homicide was the eighth confirmed one in West Palm Beach during 2018, according to

a Palm Beach Post online database.

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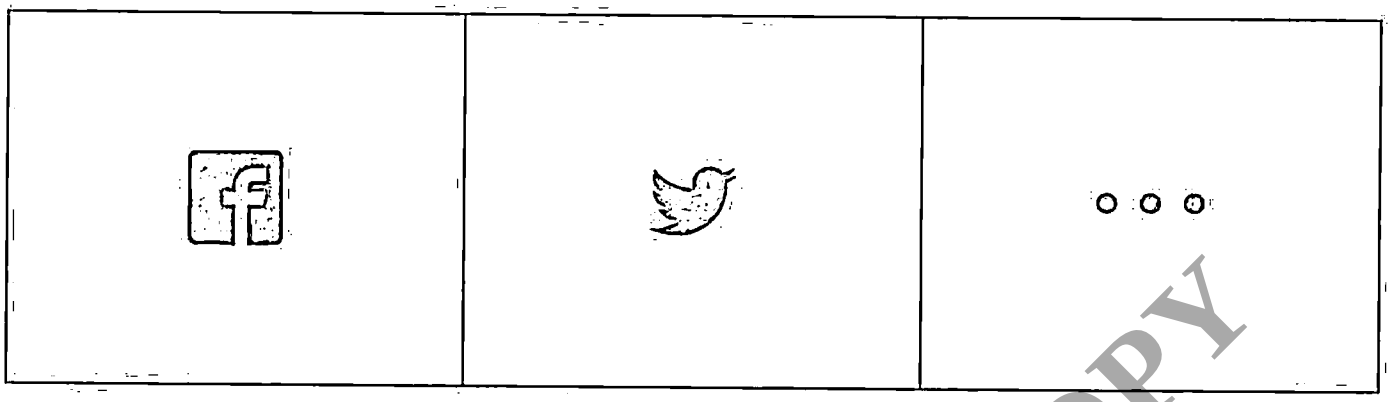

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