

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

FARHAN AHMED,

CASE NO.: 2017 CA 001236

Plaintiff,

vs.

**FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES,**

Defendant.

_____ /

COMPLAINT

COMES NOW, the Plaintiff, FARHAN AHMED, by and through his undersigned counsel, and hereby sues the Defendant, FLORIDA STATE UNIVERSITY BOARD OF TRUSTEES (hereinafter referred to as “Defendant” or “FSU”), and alleges as follows:

JURISDICTION AND PARTIES

1. This is an action for damages in excess of \$15,000 exclusive of interest, costs, and attorneys’ fees.
2. At all times material, Plaintiff was a resident of Leon County, Florida and a student at Florida State University.
3. Defendant is a public body corporate within the meaning of Fla. Stat. § 1001.72, and instrumentality of the State of Florida. The Defendant’s main campus is located in Leon County, Florida, and is subject to the jurisdiction of this court pursuant to Fla. Stat. § 768.28.

CONDITIONS PRECEDENT

4. Pursuant to Fla. Stat. § 768.28(6), notice of the claims herein against the Defendant were presented to the Florida State University Board of Trustees in writing, and more than six months has elapsed since that notice was given.

5. Pursuant to Fla. Stat. § 768.28(6), notice of the claims herein against the Defendant were presented in writing to the Florida Department of Financial Services, and more than six months has elapsed since that notice was given.

6. Plaintiff has complied with all conditions precedent to the filing of this lawsuit.

STATEMENT OF FACTS

FACTS OF NOVEMBER 20, 2014 SHOOTING

7. Shortly after midnight on November 20, 2014, Myron May (hereinafter referred to as “May”), entered FSU’s campus and made his way to Strozier Library. May was not a student at Florida State.

8. Although after midnight, Strozier was full of FSU students studying for upcoming finals, including the Plaintiff.

9. At approximately 12:06 am, May entered the library through the front doors, walked past the security desk, and attempted to get through the turnstiles into the main part of the library without swiping a student identification card.

10. The turnstiles failed to rotate as only students are allowed access to the library. When the turnstiles jammed, he stepped backwards in apparent shock, stared suspiciously at security, and then walked out the front doors.

11. May walked past the security desk both before and after he tried to gain access to the library.

12. A security guard was at the desk when May attempted to gain access to the library.

13. The security guard was not paying attention as she had arrived late for her shift and was still setting up her station.

14. The previous security guard had left the library before his replacement arrived, so there was no security guard to monitor the situation as the female security guard was setting up her station due to her late arrival.

15. The security guard did not report the attempted entry by May to Florida State University Police.

16. May then spent approximately fifteen minutes outside the main sliding glass doors of the building before opening fire on students outside at approximately 12:23 am.

17. In the intervening time between May improperly trying to access the library and opening fire, the Plaintiff exited the library for a study break.

18. May first shot at the back of a student leaving the building, and the bullet lodged itself into some books in the victim's backpack.

19. The Plaintiff was the second target. May fired three shots at the Plaintiff, the first severed his spinal cord. One of the others hit his upper right arm and traveled through his torso, stopping only four centimeters from his heart.

20. May continued shooting at several other victims outside, causing bullets to graze two students, before entering the library again. Inside May went behind the security desk and found two student library employees huddled underneath. May shot the first student in the leg, and then his gun apparently jammed when he attempted to shoot the second. May then reloaded his gun before exiting the library again.

21. The Florida State University Police Department ("FSUPD") began receiving 911 calls about the shooting around 12:24 am, and arrived on scene at approximately 12:27 am. After a few moments of exchanged shouts, May shot at the FSUPD Officers who returned fire and killed May.

22. After being shot twice by May, Plaintiff was paralyzed from the waist down and now has limited use of his right arm.

SECURITY MEASURES AT STROZIER LIBRARY

23. Strozier Library averages between 3,400 and 8,447 students on weekdays during a regular semester. During the fall and spring semesters, the library is open 24 hours a day on weekdays, and when it begins approaching finals time students can be found in large numbers at all times of day.

24. Following the Virginia Tech campus shooting in 2007, the Florida Board of Governors realized campus security and student safety needed to become a higher priority. Governor Charlie Crist initiated a task force that recognized that the issue of campus shootings was not likely to end in the foreseeable future, and gave several recommendations on police-related campus safety issues.

25. In 2008, a Strozier Library student employee was the victim of a sexual battery by a non-student inside the library. Following this incident, turnstiles were installed barring entry to the main part of the library until an FSU ID was swiped.

26. Due to the prior criminal activities reported at Strozier, and the presence of large numbers of students in the library throughout the day, FSUPD has designated Strozier as a “high security” area of the Florida State University Campus.

27. As an additional safety precaution, FSUPD stationed civilian security guards at the front desk between the main library doors and the turnstiles to monitor the comings and goings of students and employees.

28. Florida State University did not utilize armed security guards at the library despite recommendations from staff to do so.

29. The security guards were unsworn FSUPD employees, generally students, who are trained by FSUPD to maintain the security of areas on campus where a crime could occur by diligent observation and reporting. Although these security guards are not to engage with criminals, they are tasked with reporting criminal and suspicious behavior to FSUPD's sworn law enforcement officers.

COUNT I- NEGLIGENCE SECURITY

30. Plaintiff reasserts and incorporates paragraphs 1-29 as if fully set forth herein.

31. At all times material hereto, the Defendant was the owner of the property where the shooting took place. As such, the Defendant, through its agents, servants and/or employees, owed a duty to the public and invitees to exercise reasonable and ordinary care to keep and maintain its premises in a condition reasonably safe for use by the public.

32. At all times material hereto, the Defendant was a public post-secondary educational institution, and as such the Defendant had a duty to act with reasonable care in ensuring the safety and security of its premises in order to protect its students, such as the Plaintiff.

33. The Defendant knew, or in the exercise of reasonable care should have known, that its campus was a target for criminal activity, such as was committed by Myron May, prior to November 19, 2014.

34. Florida State University Police had designated Strozier Library as a high security area.

35. The Defendant had a duty to take such precautions as were reasonably necessary to protect its students, employees, and invitees, including the Plaintiff, from criminal attacks which were reasonably foreseeable and reasonably preventable.

36. By providing security to Strozier Library, Defendant undertook a duty to its students, employees, and invitees, including the Plaintiff, to provide adequate security and to warn Plaintiff of any dangerous conditions existing at Strozier Library. Defendant's duty included, but was not limited to:

- a. Providing reasonable security measures and/or responsible security personnel to control, patrol, and guard against criminal activity which had been occurring or was occurring at or near the vicinity of the subject premise.
- b. Adequately supervise and enforce any security measures already instituted at the time of the incident complained of herein and to insure that the security measures in place were adequate and were being reasonably performed.

37. The Defendant breached their duty to the Plaintiff, as well as its other students, to exercise reasonable care for the safety and protection of the Plaintiff on November 19, 2014 through the following acts of omission and/or commission:

- a. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for students, employees, and invitees of said premises when Defendant knew or should have known of foreseeable criminal acts;
- b. Failing to have a sufficient number of security guards on duty in visible areas to deter crime, thereby protecting students, employees, and invitees of Strozier Library, including the Plaintiff;
- c. Failing to implement adequate security policies, security measures, and security procedures necessary to protect the Plaintiff and other students, employees, and invitees of Strozier Library;

- d. Failing to hire and/or retain competent employees and/or security guards to protect the students, employees, and invitees of the subject premises;
- e. Failing to adequately provide an overall security plan, which would meet the known industry standards and customs for safety in the community;
- f. Failing to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred, or by failing to properly implement said procedures or by implementing same in a negligent manner;
- g. Failure of their security personnel to report Myron May's suspicious behavior in attempting to access the library to Florida State University Police;
- h. Failure of the security guards to timely assume their posts;
- i. Failure of the security guards to wait for their replacements before leaving;
- j. Failure of the security guards to exercise appropriate attention to the surrounding circumstances;
- k. Failure of the security guards to follow the instructions in Florida State University Police Training Manual;
- l. The preceding paragraphs, "a" through "i", individually and/or as a whole, represent substantial deviations from the existing standard of care with regard to security;
- m. Additional acts of negligence not yet discovered.

38. The negligence of the Defendant proximately caused injury to Plaintiff and directly led to the criminal attack of Plaintiff in that:

- a. There was inadequate and/or nonexistent visible deterrence to prevent said attack.

- b. There was inadequate and/or nonexistent physical deterrence to prevent said attack.
- c. The failure of May's attempted entry to the library as a non-student being properly reported to Florida State University Police which would have allowed sworn law enforcement to intercept May prior to the shooting.

39. As a result plaintiff 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, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and plaintiff will suffer the losses in the future.

40. Wherefore Plaintiff demands judgment against Defendant, and trial by jury.

DATED this 13th day of June, 2017.

Respectfully Submitted,

/s/ Eric Abrahamsen

Eric Abrahamsen

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