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IN THE CIRCUIT COURT OF THE 15th JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY,
FLORIDA

CASE NO.
JUDGE:

JOE A. SANCHEZ, JR.,

Plaintiff,

vs.

THE PROFESSIONALS TAX PREP SERVICE, INC. d/b/a
TAX MAN, and
ANTHONY S. MAYS

Defendant.

COMPLAINT

The Plaintiff, JOE A. SANCHEZ, JR., through counsel, hereby sues Defendants, THE PROFESSIONALS TAX PREP SERVICE, INC. d/b/a TAX MAN, and as grounds therefore alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of Fifteen Thousand (\$15,000.00) Dollars, exclusive of fees and costs.
2. At all times material hereto, the Plaintiff, JOE A. SANCHEZ, JR., was a resident of Palm Beach County, Florida and is otherwise *sui juris*.
3. At all times material hereto, the Defendant, ANTHONY S. MAYS, was a resident of Palm Beach County, Florida and is otherwise *sui juris*.
4. At all times material hereto, the Defendant, THE PROFESSIONALS TAX PREP SERVICE, INC., d/b/a TAX MAN (hereinafter "TAX MAN"), was/is a Florida Corporation authorized to do business and doing business in Palm Beach County, Florida.

5. On January 20, 2017, the Defendant, TAX MAN, operated a business providing tax consulting and preparation services to the public, located at 115 W. Woolbright Road, Suite D, Boynton Beach, FL 33435, Palm Beach County, Florida (the "Business Premises"). ANTHONY S. MAYS was an employee/owner of TAX MAN and advertised himself as a "Master Tax Specialist since 1997." ANTHONY S. MAYS advertised his services with the slogan "When you need it done right the first time...I got you."

6. On January 20, 2017, the Plaintiff, JOE A. SANCHEZ, JR., accompanied his girlfriend to the Business Premises, who was seeking tax preparation services, and was a business invitee of TAX MAN and ANTHONY S. MAYS.

7. As JOE A. SANCHEZ, JR. and his girlfriend sat across the desk from ANTHONY S. MAYS, ANTHONY S. MAYS observed two (2) large shadows outside of an adjacent window.

8. Unbeknownst to JOE A. SANCHEZ, JR., after seeing the shadows, ANTHONY S. MAYS pulled a Baretta 9mm handgun from a drawer under his desk.

9. As ANTHONY S. MAYS pulled the gun from its holster the gun discharged, shooting JOE A. SANCHEZ, JR. in the foot without warning. As a result, Plaintiff, JOE A. SANCHEZ, JR., sustained serious injuries to his foot resulting in significant and permanent scarring and disfigurement.

COUNT I - NEGLIGENCE- JOE A. SANCHEZ

10. The Plaintiff, JOE A. SANCHEZ, adopts and realleges paragraphs one (1) through nine (9) as if fully set forth herein, and further alleges:

11. The Plaintiff, JOE A. SANCHEZ, adopts and realleges paragraphs one (1) through five (5) as if fully set forth herein, and further alleges:

12. On January 20, 2017, Defendant, ANTHONY S. MAYS, owed Plaintiff a duty to use

reasonable care in the use of his handgun and to not needlessly endanger JOE A. SANCHEZ by the use of his handgun.

13. Defendant, ANTHONY S. MAYS breached this duty by negligently using the handgun in a manner which lead to ANTHONY S. MAYS shooting JOE A. SANCHEZ in the foot.

14. As a direct and proximate result of the negligence of ANTHONY S. MAYS , Plaintiff, JOE A. SANCHEZ, JR., sustained bodily injuries resulting in pain and suffering, disability, disfigurement, mental anguish, loss of the capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money, and aggravation of a pre-existing condition. These losses are either permanent or continuing in nature and the Plaintiff, JOE A. SANCHEZ, JR., will suffer these losses in the future.

COUNT II - VICARIOUS LIABILITY- "TAX MAN"

15. The Plaintiff, JOE A. SANCHEZ, adopts and realleges paragraphs one (1) through fourteen (14) as if fully set forth herein, and further alleges:


16. At all times material to this Complaint, ANTHONY S. MAYS, was an employee, agent, or apparent agent of TAX MAN and was acting within the course and scope of his employment for the benefit of TAX MAN, thereby rendering TAX MAN liable for the negligence of ANTHONY S. MAYS.

[INTENTIONALLY LEFT BLANK]

WHEREFORE, Plaintiff, JOE A. SANCHEZ, JR., demands judgment against Defendants, ANTHONY S. MAYS and THE PROFESSIONALS TAX PREP SERVICE, INC. d/b/a TAX MAN, for damages in excess of Fifteen Thousand (\$15,000.00) Dollars, pre-judgment interest where applicable, and demands trial by jury on all issues so triable as a matter of right.

DATED this ____ day of JUNE 2017.

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