

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.:

PHOEBE GRECO, as Personal
Representative of the Estate of
STEVEN G. GRECO, deceased,

Plaintiff,

vs.

ROUND UP COUNTRY, L.L.C., and
THE FLORIDA BILLIARD CLUB, INC.,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, PHOEBE GRECO, as Personal Representative of the Estate of STEVEN G. GRECO, by and through undersigned counsel and sues the Defendants, ROUND UP COUNTRY, LLC, and THE FLORIDA BILLIARD CLUB, INC., and alleges the following:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of FIFTEEN THOUSAND (\$15,000.00) DOLLARS exclusive of interest and costs.
2. That the Plaintiff, PHOEBE GRECO, is the Personal Representative of the Estate of STEVEN G. GRECO and is entitled to bring this action under the provisions of F.S.A. Section 768.20 and Section 768.21 for the benefit of decedent's survivors and estate.

3. The Plaintiff/Personal Representative, PHOEBE GRECO, brings this action on behalf of the following claimants:

- a. Estate of Steven G. Greco;
- b. Phoebe Greco, surviving wife;
- c. Gianna Steven Greco, surviving child.

4. The Plaintiff/Personal Representative, PHOEBE GRECO, on behalf of the claimants has complied with all conditions precedent to bringing this action.

5. At all times material hereto, PHOEBE GRECO, was the lawful appointed Personal Representative of the Estate of STEVEN G. GRECO.

6. That upon information and belief the Defendant, ROUND UP COUNTRY, LLC, was and is a Florida Limited Liability Company, authorized to do business and was doing business in Broward County, Florida.

7. That upon information and belief, the Defendant, THE FLORIDA BILLIARD CLUB, INC. was and is a Florida corporation, authorized to do business and was doing business in Broward County, Florida.

**COUNT I – NEGLIGENCE/WRONGFUL DEATH/DRAM SHOP AGAINST
ROUND UP COUNTRY, L.L.C.**

8. Plaintiff realleges each and every allegation contained in paragraphs one (1) through seven (7) above as if fully set forth herein.

9. On or about February 16, 2019, Defendant, ROUND UP COUNTRY, L.L.C. owned and operated a night club and restaurant known as Round Up Night Club & Restaurant located at 9020 W. State Road 84, Davie, Florida (hereinafter referred to as the “subject premises”).

10. At all times material hereto, Defendant, ROUND UP COUNTRY, L.L.C. sold, furnished, and distributed liquor and alcoholic beverages at the subject premises and was considered a social host under Section 768.125 Florida Statutes.

11. That on or about February 16, 2019, Curtis E. Woolwine II was a business invitee of the Defendant, ROUND UP COUNTRY, L.L.C. at the subject premises.

12. At all times material hereto, Curtis E. Woolwine II was a habitual drunkard.

13. At all times material hereto, Defendant, ROUND UP COUNTRY, L.L.C., had a duty to exercise reasonable care in selling and/or serving alcoholic beverages, including a statutory duty to not knowingly sell and/or serve alcoholic beverages to any habitual drunkard.

14. That at all times material hereto, Defendant, ROUND UP COUNTRY, L.L.C. and its employees, including but not limited to its bartenders, waitresses and servers knew and were aware that Curtis E. Woolwine II was a habitual drunkard, in that he had previously been served and had consumed substantial amounts of alcoholic beverages to the point of drunkenness at the subject premises on numerous occasions in their presence prior to the subject accident of February 16, 2019.

15. On February 16, 2019, Curtis E. Woolwine II entered the subject premises already intoxicated at nighttime and was served with multiple alcoholic beverages from Defendant, ROUND UP COUNTRY, L.L.C.'s employees, who knew Curtis E. Woolwine II from previous occasions when he was a customer at the subject premises where he had been served and consumed alcoholic beverages on each of those prior occasions to the point of drunkenness.

16. That on February 16, 2019, Defendant, ROUND UP COUNTRY, L.L.C., breached its duty of reasonable care in that Defendant's employees, knowingly and unlawfully,

served alcoholic beverages to Curtis E. Woolwine II, a habitual drunkard, to the point of intoxication, in violation of Section 768.125 Florida Statutes.

17. That on or about February 16, 2019, after Curtis E. Woolwine II left the subject premises in his intoxicated state, he was involved in a motor vehicle accident while driving under the influence of alcohol which was consumed at the subject premises to the point that his normal faculties were impaired, proximately causing an accident.

18. That on or about February 16, 2019, the decedent, STEVEN G. GRECO, was traveling home from work when his vehicle was struck by the vehicle operated by Curtis E. Woolwine, II, who was driving, while intoxicated, on the wrong side of I-75, proximately causing the death of STEVEN G. GRECO.

19. That under the circumstances it was reasonably foreseeable to Defendant, ROUND UP COUNTRY, L.L.C., by and through its employees, that injury or damage to the decedent, STEVEN G. GRECO could occur after serving Curtis E. Woolwine II with multiple drinks containing liquor or alcohol, particularly since it was served to a habitual drunkard who was already intoxicated when he entered the Defendant's premises and who lacked the ability to make a responsible decision in the consumption of alcohol and operation of a motor vehicle.

20. That Defendant, ROUND UP COUNTRY, L.L.C., by virtue of the actions and/or omissions listed in paragraphs 9 through 19, has violated Section 768.125 Florida Statutes and has committed negligence, in that:

- a. Curtis E. Woolwine II is a person habitually addicted to the use of any or all alcoholic beverages;
- b. STEVEN G. GRECO suffered injury causing his death and decedent, STEVEN G. GRECO, was an individual who was within the class of

persons that Section 768.125 Florida Statutes was designed to protect; and

- c. Defendant, ROUND UP COUNTRY, L.L.C., served Curtis E. Woolwine II in violation of the statute and was the proximate cause of the decedent, STEVEN G. GRECO's, death.

21. As a direct and proximate result of the Defendant's negligence, the decedent, STEVEN G. GRECO, was fatally injured when he was struck by a vehicle driving on the wrong side of I-75 operated by Curtis E. Woolwine II, who was intoxicated.

22. As a result of the negligence of the Defendant, ROUND UP COUNTRY, L.L.C, by and through its employees, STEVEN G. GRECO died on February 16, 2019.

23. PHOEBE GRECO, as Personal Representative of the Estate of STEVEN G. GRECO, deceased, makes a claim for the following damages as a result of the wrongful death of STEVEN G. GRECO:

- a. Funeral expenses;
- b. Medical and hospital expenses
- c. Loss of net accumulations;
- d. Loss of earnings;
- e. The damages claimed by PHOEBE GRECO, the surviving spouse, include:
 - 1) the value of future loss of support and services from the date of death;
 - 2) the loss of decedent's companionship and protection;
 - 3) mental pain and suffering from the date of death.
- f. The damages claimed by Gianna Steven Greco, the minor child, include:
 - 1) loss of parental companionship, instruction and guidance;

- 2) mental pain and suffering from the date of death;
- 3) the value of future loss of support and services from the date of death.

g. All damages recoverable under the Florida Wrongful Death Act.

WHEREFORE, the Plaintiff, PHOEBE GRECO, as Personal Representative of the Estate of STEVEN G. GRECO demands judgment against the Defendant, ROUND UP COUNTRY, LLC, for damages in excess of \$15,000.00, plus costs incurred herein. The Plaintiff further demands trial by jury of all issues so triable as of right.

**COUNT II – NEGLIGENCE/WRONGFUL DEATH/DRAM SHOP
AGAINST THE FLORIDA BILLIARD CLUB, INC.**

25. Plaintiff realleges each and every allegation contained in paragraphs one (1) through seven (7) above as if fully set forth herein.

26. On or about February 16, 2019, Defendant, THE FLORIDA BILLIARD CLUB, INC., owned and operated a pool hall and bar known as The Billiard Club, located at 9060 W. State Road 84, Davie, Florida (hereinafter referred to as the “subject premises”).

27. At all times material hereto, Defendant, THE FLORIDA BILLIARD CLUB, INC., sold, furnished, and distributed liquor and alcoholic beverages at the subject premises and was considered a social host under Section 768.125 Florida Statutes.

28. That on or about February 16, 2019, Curtis E. Woolwine II was a business invitee of the Defendant, THE FLORIDA BILLIARD CLUB, INC., at the subject premises.

29. At all times material hereto, Curtis E. Woolwine II was a habitual drunkard.

30. At all times material hereto, Defendant, THE FLORIDA BILLIARD CLUB, INC., had a duty to exercise reasonable care in selling and/or serving alcoholic beverages,

including a statutory duty to not knowingly sell and/or serve alcoholic beverages to any habitual drunkard.

31. That at all times material hereto, Defendant, THE FLORIDA BILLIARD CLUB, INC., and its employees, including but not limited to its bartenders, waitresses and servers knew and were aware that Curtis E. Woolwine II was a habitual drunkard, in that he had previously been served and had consumed substantial amounts of alcoholic beverages to the point of drunkenness at the subject premises on numerous occasions in their presence prior to the subject accident of February 16, 2019.

32. On February 16, 2019, Curtis E. Woolwine II entered the subject premises already intoxicated at nighttime and was served with multiple alcoholic beverages from Defendant, THE FLORIDA BILLIARD CLUB, INC.'s employees, who knew Curtis E. Woolwine II from previous occasions when he was a customer at the subject premises where he had been served and consumed alcoholic beverages on each of those prior occasions to the point of drunkenness.

33. That on February 16, 2019, Defendant, THE FLORIDA BILLIARD CLUB, INC., breached its duty of reasonable care in that Defendant's employees, knowingly and unlawfully, served alcoholic beverages to Curtis E. Woolwine II, a habitual drunkard, to the point of intoxication, in violation of Section 768.125 Florida Statutes.

34. That on or about February 16, 2019, after Curtis E. Woolwine II left the subject premises in his intoxicated state, he was involved in a motor vehicle accident while driving under the influence of alcohol which was consumed at the subject premises to the point that his normal faculties were impaired, proximately causing an accident.

35. That on or about February 16, 2019, the decedent, STEVEN G. GRECO, was traveling home from work when his vehicle was struck by the vehicle operated by Curtis E.

Woolwine II, who was driving, while intoxicated, on the wrong side of I-75, proximately causing the death of STEVEN G. GRECO.

36. That under the circumstances it was reasonably foreseeable to Defendant, THE FLORIDA BILLIARD CLUB, INC., by and through its employees, that injury or damage to the decedent, STEVEN G. GRECO could occur after serving Curtis E. Woolwine II with multiple drinks containing liquor or alcohol, particularly since it was served to a habitual drunkard who was already intoxicated when he entered the Defendant's premises and who lacked the ability to make a responsible decision in the consumption of alcohol and operation of a motor vehicle.

37. That Defendant, THE FLORIDA BILLIARD CLUB, INC., by virtue of the actions and/or omissions listed in paragraphs 9 through 19, has violated Section 768.125 Florida Statutes and has committed negligence per se, in that:

- a. Curtis E. Woolwine II is a person habitually addicted to the use of any or all alcoholic beverages;
- b. STEVEN G. GRECO suffered injury causing his death and decedent, STEVEN G. GRECO, was an individual who was within the class of persons that Section 768.125 Florida Statutes was designed to protect; and
- c. Defendant, THE FLORIDA BILLIARD CLUB, INC. served Curtis E. Woolwine II in violation of the statute and was the proximate cause of the decedent, STEVEN G. GRECO's death.

38. As a direct and proximate result of the Defendant's negligence, the decedent, STEVEN G. GRECO, was fatally injured when he was struck by a vehicle driving on the wrong side of I-75 operated by Curtis E. Woolwine II, who was intoxicated.

39. As a result of the negligence of the Defendant, THE FLORIDA BILLARD CLUB, INC., by and through its employees, STEVEN G. GRECO died on February 16, 2019.

40. PHOEBE GRECO, as Personal Representative of the Estate of STEVEN G. GRECO, deceased, makes a claim for the following damages as a result of the wrongful death of STEVEN G. GRECO:

- a. Funeral expenses;
- b. Medical and hospital expenses
- c. Loss of net accumulations;
- d. Loss of earnings;
- e. The damages claimed by PHOEBE GRECO, the surviving spouse, include:
 - 1) the value of future loss of support and services from date of death;
 - 2) loss of decedent's companionship and protection;
 - 3) mental pain and suffering from date of death.
- f) The damages claimed by Gianna Steven Greco, the minor child, include:
 - 1) loss of parental companionship, instruction and guidance;
 - 2) mental pain and suffering from the date of death;
 - 3) the value of lost support and services from the date of death, plus future loss of support and services.
- g. All damages recoverable under the Florida Wrongful Death Act.

WHEREFORE, the Plaintiff, PHOEBE GRECO, as Personal Representative of the Estate of STEVEN G. GRECO demands judgment against the Defendant, THE FLORIDA BILLIARD CLUB, INC., for damages in excess of \$15,000.00, plus costs incurred herein. The Plaintiff further demands trial by jury of all issues so triable as of right.

DATED: September 6, 2019.

BOONE & DAVIS, P.A.

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