

IN THE CIRCUIT COURT FOR THE 5th JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

MICHAEL BUBNOW, Individually,
and as Natural Father and Guardian to
REECE BUBNOW and ABIGAIL BUBNOW
minor children,

Plaintiffs,

vs.

BRINKERS INTERNATIONAL Inc. d/b/a
CHILI'S BAR & GRILL, and the Estate of
CHRISTOPHER RONSON
Defendant,

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, MICHAEL BUNOW, individually, and as natural father and guardian to Plaintiffs' REECE BUBNOW and ABIGAIL BUBNOW, minor children, by and through their undersigned counsel, in accordance with the Florida Rule(s) Civil Procedure, hereby files his formal complaint against Defendant, BRINKERS INTERRNATIONAL Inc., a Texas Corporation d/b/a CHILI'S BAR & GRILL and the Estate of CHRISTOPHER RONSON: as grounds therefore state:

Allegations as to all counts

1. This is an action for damages in excess of \$15,000.00 exclusive of interest, costs and attorney's fees.
2. At all times material hereto Plaintiff, MICHAEL BUBNOW and his minor children, was and are Florida residents residing in Marion County, Florida.

3. At all times material hereto, Defendant BRINKERS INTERNATIONAL INC. d/b/a as CHILIS BAR & GRILL, [Hereinafter “BRINKERS”] is and was a Texas corporation with its principal place of business outside of the state of Florida and which had and continues to have substantial and not isolated activity within Florida, including Marion County Florida. Accordingly, this Court has personal jurisdiction over BRINKERS.
4. At all times material hereto Defendant, BRINKERS, d/b/a Chili’s Bar & Grill is and was authorized to do and was doing business in Florida and had designated a restaurant at 3501 SW 36TH Avenue, Ocala, Florida 34474.
5. At all times material hereto CHRISTOPHER RONSON, deceased, was a resident of Florida residing in Marion County, Florida
6. On or about April 20, 2008, the Plaintiff, MICHAEL BUBNOW, was a lawful business invitee on the premises of the CHILI’S BAR & GRILL located at 3501 SW 36TH Avenue, Ocala, Florida 34474 owned and controlled by BRINKERS.
7. On April 20th 2008 at or around 10:20 p.m. Plaintiff MICHAEL BUBNOW and Laura Ronson were shot multiple times by Mrs. Ronson’s estranged husband Christopher Ronson who later took his own life, as they were exiting the restaurant to the dimly lit rear parking lot owned and controlled by BRINKERS adjacent to the dumpster area of the Chili’s Bar & Grill located at 3501 SW 36TH Avenue, Ocala, Florida 34474.
8. The shooting resulted in the death of Laura Ronson, and rendered Plaintiff MICHAEL BUBNOW a quadriplegic.

9. Earlier that evening while Plaintiff, MICHAEL BUBNOW and the late Mrs. Ronson were having a friendly dinner inside the restaurant, Christopher Ronson obnoxiously came inside of the restaurant and began to argue with his late wife and the Plaintiff in the presence of multiple guests and employees, all of whom did nothing to defuse the situation.
10. After degrading and demeaning his late wife and the Plaintiff in public, Christopher Ronson exited the restaurant as obnoxiously and aggressively as he came in. Mr. BUBNOW and the late Laura Ronson returned to their meal and pleasant conversation for about another hour.
11. When the Plaintiff and the late Mrs. Ronson were done eating they exited the restaurant among several other patrons to return to their vehicle.
12. As Mrs. Ronson and the Plaintiff returned to her vehicle, the Plaintiff saw Christopher Ronson hiding behind and/or beside a trash bin or dumpster on the property of the CHILIS BAR & GRILL owned and controlled by BRINKERS.
13. Christopher Ronson approached his late wife's Jeep as she started to back out of the parking lot. She informed him she was going to call the police and at that point Christopher Ronson retrieved a hand gun from his waist band and began to callously gun the two down.
14. After Christopher Ronson fired several rounds, he fled the property cutting through a path behind the dumpster area. The Plaintiff, shortly thereafter was transported to Shands at the University of Florida in critical condition.
15. At all times material hereto, the CHILIS BAR & GILL owned and controlled by the Defendant and the surrounding area were subjected to multiple violent criminal acts that have been committed on and in the immediate vicinity of the property in opportune places, but in light of such criminal activity the Defendant failed to or ignored the opportunity to take measures that would have possibly prevented harm.

COUNT I
NEGLIGENCE CLAIM AGAINST DEFENDANT,
BRINKERS INTERNATIONAL d//b/a CHILLIS BAR & GRILL

16. The Plaintiffs readopts and re-alleges all prior allegations contained in Paragraphs 1-15.
17. At all times material hereto, the Defendant, BRINKERS through its agents and employees, owed a duty to its business invitees, and the public, to exercise reasonable and ordinary care to maintain its premises in a condition reasonably safe for use by its business invitees, and the public. In particular, the Defendant had a duty to take such precautions as were reasonably necessary to protect its business invitees, and the public, including the Plaintiff, MICHAEL BUBNOW, from reasonably foreseeable criminal attacks on the premises.
18. At all times material hereto, the Defendant, BRINKERS, through its agents and employees, knew or in the exercise of reasonable care should have known that their premises, and areas adjacent thereto, was in a high crime area, that there had been numerous criminal acts and attacks perpetrated on the public in said areas, and that criminal acts and attacks were reasonably likely to be perpetrated on the Defendant's business invitees and the public unless the Defendant took steps to provide proper security for such individuals.
19. At all times material hereto, the Defendant, BRINKERS, through its agents and employees, knew or in the exercise of reasonable care should have known that numerous violent criminal acts including, but not limited to, assaults, shootings, and robberies, had occurred on the premises and/or areas adjacent thereto prior to April 20, 2008.
20. The Defendant, BRINKERS, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including the Plaintiff, MICHAEL BUBNOW, had it within their power to take the measures necessary to provide for his own security on the premises.

21. As a result of the paragraphs above, at all material times the criminal attack and shooting of MICHAEL BUBNOW was reasonably foreseeable, and the Defendant, BRINKERS, was in a superior position to appreciate such dangers and take necessary steps to prevent harm to the invitees and the public.
22. At the above mentioned time and place, the Defendant, BRINKERS, by and through its agents and employees, breached its duty to exercise ordinary and reasonable care for the safety and protection of the invitees, including MICHAEL BUBNOW, through the following acts of omission or commission:
 - A. Failing to provide adequate security for its business invitees and the public, including the Plaintiff, MICHAEL BUBNOW;
 - B. Failing to warn its business invitees, and the public, including MICHAEL BUBNOW, of the nature and character of the surrounding area when it knew or in the exercise of reasonable care should have known that numerous criminal incidents of a similar nature to the one herein (i.e. crimes against persons) had occurred on the Defendant's premises prior to the herein incident;
 - C. Failing to warn, protect, guard, and secure the safety of its business invitees, and of the public, including MICHAEL BUBNOW, when the Defendant knew or should have known that the subject premises had a history of similar criminal acts being committed in the area, thereby creating a dangerous condition to those individuals on the property of BRINKERS;
 - D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its business invitees, and the public, when Defendant knew or should have known of foreseeable criminal acts;

- E. Failing to hire and/or retain any private security personnel and/or off duty police officers to patrol and/or monitor the defendant's BRINKERS, premises, thereby protecting its business invitees and the public, including MICHAEL BUBNOW;
- F. Failing to have a sufficient number of security guards in visible areas to deter crime, thereby protecting its business invitees, and the public, including MICHAEL BUBNOW;
- G. Failing to have an adequate number of security guards to protect its business invitees, and the public, including MICHAEL BUBNOW;
- H. Failing to hire and/or retain competent security guards to protect its business invitees and the public, including MICHAEL BUBNOW;
- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect its business invitees, and the public, including MICHAEL BUBNOW;
- J. Failing to provide proper and sufficient lighting for the premises, including but not limited to exterior building lighting and parking lot lighting on the subject premises and surrounding areas;
- K. Failing to have surveillance cameras in such locations throughout the premises, including but not limited to the exterior of buildings and parking lots;
- L. Failing to have an adequate number of surveillance cameras on the premises and surrounding areas, including but not limited to the areas of the premises where the instant incident occurred;

- M. Failing to position surveillance cameras in appropriate locations such that the Chili's restaurant and surrounding areas where the Plaintiff was attacked was adequately visually monitored, and/or said cameras would act as a deterrent against criminal activity;
- N. Failing to have and/or maintain surveillance cameras in working condition such that every camera was able to monitor and record activity in its line of view;
- O. Failing to implement adequate security policies, security measures, and security procedures necessary to protect MICHAEL BUBNOW and other business invitees and members of the public;
- P. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- Q. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in the community;
- R. The preceding paragraphs "A" through "Q", individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar fast food restaurant properties in the local community; and
- S. Additional acts of negligence not yet discovered.

23. The Defendant, BRINKERS through its agents and employees, failed to have any procedures governing the inspection, supervision, and/or security of the parking area where the subject incident occurred; or in the alternative,
 - A. The Defendant, BRINKERS through its agents and employees, did in fact have procedures governing the inspection, supervision, and security of the parking area where the subject incident occurred; however, the Defendant failed to implement said procedures; or in the alternative,
 - B. The Defendant, BRINKERS, through its agents and employees, did have procedures governing the inspection, supervision, and security of the parking area where the subject incident occurred, but implemented same in a careless and negligent manner.
24. At all material times, the Defendant, BRINKERS 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 business invitees and the public, including the areas of the subject premises where the subject incident occurred.
25. The Defendant, BRINKERS through its agents, servants, and employees, created and/or allowed to be created said dangerous conditions as stated above on the subject premises. Further, the Defendant failed to warn its business invitees, and the public, including but not limited to MICHAEL BUBNOW, of the existence of said dangerous conditions; 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 the danger.

26. The negligence of the Defendant proximately caused injury to MICHAEL BUBNOW, and directly led to the criminal attack of MICHAEL BUBNOW in that:
 - A. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault.
 - B. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault.
 - C. Criminals could carry out physical assaults 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.
27. As a direct and proximate result of the negligence of the Defendant, BRINKERS, the Plaintiff, MICHAEL BUBNOW, was the victim of an attempted murder, was shot multiple times through out his body.
28. As a further direct and proximate result of Defendant's negligence, the Plaintiff, MICHAEL BUBNOW specifically suffered serious life threatening bodily injuries and resulting pain and suffering, disability disfigurement, mental anguish, loss of capacity for the enjoyment of life, incurred medical expenses in the treatment of his injuries, loss of earnings, loss of earning capacity, and has incurred other costs and expenses in maintaining this cause of action. The injuries are either permanent or continuing in nature and Plaintiff will suffer these losses and impairments in the future.

WHEREFORE, the Plaintiff(s), MICHAEL BUBNOW and XXXX and XXXX, minor children of MICHAEL BUBNOW, sue the Defendant, BRINKERS INTERNATIONAL, and demand judgment against the Defendant for all damages recoverable under the laws of Florida and further demand a trial by jury on all issues so triable as of right by a jury

COUNT II

REECE BUBNOW and ABIGAIL BUBNOW CLAIM FOR LOSS OF CONSORTIUM AGAINST BRINKERS INTERNATIONAL Inc, d/b/a CHILIS BAR & GRILL

29. The Plaintiff re-adopts and re-alleges all prior allegations contained in paragraphs 1-15 of this complaint.
30. REECE BUBNOW and ABIGAIL BUBNOW are the natural children of Plaintiff MICHAEL BUBNOW.
31. Additionally, as a further direct and proximate result of the Defendants' negligence and intentional actions, the Plaintiffs, REECE BUBNOW and ABIGAIL BUBNOW, minors, have suffered and will continue to suffer the permanent loss of services, comfort, companionship and society resulting from the permanent total disability to their father.

WHEREFORE, the Plaintiffs', MICHAEL BUBNOW, REECE BUBNOW and ABIGAIL BUBNOW, minor children of MICHAEL BUBNOW, sue the Defendant, BRINKERS INTERNATIONAL, and demand judgment against the Defendant for all damages recoverable under the laws of Florida and further demand a trial by jury on all issues so triable as of right by a jury.

**COUNT III ASSUALT AND BATTERY
AGAINST THE ESTATE OF CHRISTOPHER RONSON**

32. The Plaintiff re-adopts and re-alleges all prior allegations contained in paragraphs 1-15 of this complaint.
33. At all times material hereto CHIRTOPHER RONSON did place Plaintiff MICHAEL BUBNOW in a state of reasonable apprehension to make him believe that bodily harm or death was eminent.
34. At all times material hereto CHRISTOPHER RONSON without the consent or desire of Plaintiff MICHAEL BUBNOW did make harmful or offensive contact on and about Plaintiff's body with life threatening projectiles; i.e. bullets.
35. As a further direct and proximate result of CHIRSTOPHER RONSON's intentional acts, the Plaintiff, MICHAEL BUBNOW suffered serious life threatening bodily injuries resulting in pain and suffering, disability disfigurement, mental anguish, loss of capacity for the enjoyment of life, incurred medical expenses in the treatment of his injuries, loss of earnings, loss of earning capacity, and has incurred other costs and expenses in maintaining this cause of action. The injuries are either permanent or continuing in nature and Plaintiff will suffer these losses and impairments in the future.

WHEREFORE, the Plaintiff(s), MICHAEL BUBNOW and REECE BUBNOW and ABIGAL GRACE, minor children of MICHAELL BUBNOW, sue the Defendant, BRINKERS INTERNATIONAL, and demand judgment against the Estate of Christopher Ronson for all damages recoverable under the laws of Florida and further demand a trial by jury on all issues so triable as of right by a jury.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury of all issues triable as of right by a jury.

DATED THIS _____ DAY OF MAY, 2009.

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