

Effective Representation of Domestic Violence Victims in Negligent Security Cases

By Michael A. Haggard

Often times when evaluating negligent security cases, one issue that victims' attorneys look at is whether the case involves domestic violence or not. For years, lawyers have turned away from domestic violence cases under the feeling that it was a targeted event and that the assailant was singularly focused on his ex-wife, another family member, or someone that he desperately wanted to target and attack. However, plaintiff's lawyers can represent domestic violence victims effectively in the most targeted domestic violence attack imaginable. The focus must be on the premises itself and the epidemic of domestic violence, which property owners have a responsibility to prevent.

The number one example of domestic violence everyone would recognize is the OJ Simpson case. If we were looking at a pure negligent security case, in this instance every attorney would turn down that case, which is clear and understandable. The argument being there was no way anyone could stop OJ Simpson from coming to kill Nicole Brown Simpson. The civil case that came out of this incident was obviously against Mr. Simpson, not an apartment complex, shopping mall, or any type commercial property. Truth be told, as domestic violence has increased to become part of our culture, domestic violence itself has become a dangerous condition that property owners need to protect against, and more importantly, can protect against.

Below are several examples of cases that involve domestic violence and negligent security that The Haggard Law Firm has successfully represented.

Garcia-Somonte vs. Old Cutler Village Apartments

On October 15, 2004, Dinorah Garcia was murdered by her estranged husband in the parking lot of the Old Cutler Village Apartments leaving behind her two children. In the short year that the Old Cutler Village Apartments was open, there were 22 incidents when the police were called to the property, including an attempted kidnapping, aggravated assaults, and burglaries. When potential tenants inquired about renting an apartment, the complex promised the residents on-site security measures, such as access control gates and roving security patrols.

Mrs. Garcia relied on these promises because she was hiding from her abusive husband, Orlando Somonte. Before moving into the complex, Dinorah broke away from her husband and tried to start a new life. During this time, she sought and received assistance and guidance from a Miami-Dade Police Officer who helped her get an injunction against her husband, move far from her old neighborhood, and rent an apartment under another person's name to keep whereabouts a secret. Unfortunately, Old Cutler Village Apartments only cared about getting the apartments rented and making money, not making sure that the residents were safe.

The main reason we feel we turned this domestic violence incident into a recoverable civil negligent security case is that there were multiple security failures that allowed this particular assailant onto the property. First, they did not have a gate that was functioning, which was promised to the tenants. Second, the security guard that evening did not make his/her rounds because it was raining. Third, they did not install a guard check system, also known as a Deggy system. It was purchased, but never installed, and instead sat in a box in the management office.

This case was still an entirely different negligent security case. This was a determined killer who committed suicide after he shot his wife several times. The defense made a very credible argument that there was no way this crazed assailant would be deterred by any reasonable security measure. However, the battle between failed security measures and the undetected assailant enabled us to reach a settlement on the third day of trial.

Givens vs. Adagio at Westshore Palms

On December 5, 2014, in the morning hours, Katie Given's estranged husband, Scotland Givens, entered her apartment building, kicked down the door to her apartment, and attempted to kill her by stabbing her multiple times and slicing her throat. Luckily, a neighbor heard screams and responded to Katie's apartment, seeing Scotland with the bloody knife in his hand. Unfortunately, this wasn't the first time Mr. Givens had gained access to the property as he was able to gain access two previous times so as to attack and scare both Katie and her daughter.

Mrs. Givens was in the process of divorcing her abusive husband, and decided to move into an apartment at the Adagio because it advertised, promoted and expressly represented to prospective tenants and the general public, that its apartment complex was safe, "gated" and

“secured.” When Katie and her daughter moved into the apartment, the building was not finished and did not have any security measures in place including fencing around the building, security patrols, security surveillance cameras or other monitoring devices, nor any access control.

Despite these incidents, and nine other criminal acts on the property in the months leading up to December 5th, 2014, Adagio took no reasonable security precautions to secure the building, build a fence, maintain any security guards, or warn tenants of past criminal activity.

Very similar to the Garcia-Somonte case, there were several security failures including problems with the door entry ways. Second, security personnel and management were warned that this particular assailant had come to the property before. Third, the assailant was able to access the property through many negligent security failures in terms of locking doors, and failed to control the ingress and egress to the apartments.

We were fortunate to recover \$1,525,000 for our client who continues to care for her daughter. Putting the focus and theme of the case on the apartment complex, and not on the “estranged lover,” were key to obtaining this result.

Bubnow vs. Chili's

On Sunday, April 20th, 2008, Michael Bubnow and Laura Ronson were shot multiple times by Laura's estranged husband, Chris Ronson, in the dimly lit rear parking lot of the Chili's Bar & Grill in Ocala, Florida. The shooting resulted in the death of Laura Ronson and rendered our client, Michael Bubnow, a high level paraplegic. Earlier that evening, Laura and Michael had driven to Chili's to grab a bite to eat. Just before they were served their entrees, Chris Ronson stormed into the restaurant and proceeded to yell profanities at them, flail his arms around, point his fingers at Laura's face, and bellow, “I'll kill you.”

This spectacle took place in the dining area and in the presence of a number of Chili's employees. None of the Chili's employees did anything during this heated and profanity laced confrontation. More importantly, the Chili's employees did nothing after the confrontation.

Lurking in the parking lot for approximately an hour was an angry and aggressive Chris Ronson who had never left the premises. After finishing dinner, Laura and Michael returned to their car and began to back out of the parking space. Mr. Ronson approached the car and pulled a

gun. He began callously firing shots through the driver's side window resulting in Laura's death and penetrating Mr. Bubnow's shoulder and back resulting in his debilitating paralysis.

Again, this case involved a very determined assailant, who made threats to his domestic violence partner in the restaurant in the presence of the defendant's employees. He was then allowed to stay on the property for a significant period of time in the parking lot of the restaurant after he made the threats, which put the property on notice. Restaurant industry standards dictate that when a person threatens a customer, verbally abusing a patron and/or causing a disturbance, the person should be asked to leave or the police should be called. Chili's internal procedures also failed the simple rule, which was violated here. The Chili's waitress testified she was never trained in their procedures and her manager saw everything and did nothing.

This case involved an assailant so intent on killing his wife that he later killed himself three days later. This case settled for \$3,000,000 and allows Mr. Bubnow to receive the care and treatment he needs to live a life of a functioning paraplegic.