

Effective Representation of

**DOMESTIC VIOLENCE VICTIMS**

in Negligent Security Cases



**Michael A. Haggard**  
Managing Partner

# WHY HAVE WE SHYED AWAY?

- ULTIMATE TARGETED CRIME

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- ULTIMATE TARGETED CRIME
- CRIME OF PASSION  
(NON PREVENTABLE)

## WHY HAVE WE SHYED AWAY?

- ULTIMATE TARGETED CRIME
- CRIME OF PASSION  
(NON PREVENTABLE)
- NOT A CRIME OF OPPORTUNITY

# **DOMESTIC VIOLENCE IS PART OF THE CRIME PREVENTION FABRIC**

- **ACTIVE SHOOTING CASES NOW**

# **DOMESTIC VIOLENCE IS PART OF THE CRIME PREVENTION FABRIC**

- ACTIVE SHOOTING CASES NOW
- MASS SHOOTING CASES NOW

# How Widespread Is Domestic Violence?

Statistics from select studies sponsored by the National Institute of Justice shows how large a problem domestic violence is in the US.

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Every year approximately **1.3 million women** and **835,000 men** are physically assaulted by their partners.

**Women are significantly more likely than men to be injured during an intimate partner assault** (39 percent compared with 24.8 percent).

Out of all women murdered in the US each year, **40-50% were murdered** by their intimate partners. In **70-80% of the homicides** that occurred during incidents of domestic violence, no matter which partner was killed, the **man physically abused the woman before the murder.**

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## **Domestic Violence in the Workplace**

In cases where there has been previous sexual intimacy between the suspect and the victim, the chances for fatal violence go up dramatically.



## When Digital becomes Physical

The UN estimates a third of **women globally have experienced violence at the hands of an intimate partner**, or sexual violence from a non-partner. According to the Centers for Disease Control, nearly half of all women murdered every year in the United States are killed by a current or former male partner.

**Technology saving women,**

## **WOMEN SAVING THEMSELVES**

The SmartSafe app, developed by the Domestic Violence Resource Centre of Victoria (where Maguire is CEO), is just one tool that's making it easier for women to document their experiences, escape violent partners and see their abusers prosecuted.



Miguel Navarro/Getty

SOURCE: <https://www.cnet.com/news/cameras-surveillance-and-the-sinister-tech-behind-domestic-abuse/>



# Maintaining Safe and Stable Housing for Domestic Violence Survivors

A Manual for Attorneys and Advocates



703 Market Street, Suite 2000  
San Francisco, CA 94103  
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## 3.2 The Landlord's Duty to Provide Safe Housing

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In some jurisdictions, courts have found that landlords must take reasonable precautions to protect tenants from foreseeable criminal assaults.

In such jurisdictions, advocates must determine whether the landlord knew or should have known of criminal activity on the premises, is able to reduce the risk of future criminal activity, and has not acted to reduce the risk.

A major factor in determining a landlord's duty to provide safe conditions is the foreseeability of violent criminal activity.

This duty arises where the landlord has notice of prior criminal activity that puts tenants in danger of physical harm.

## 3.2 The Landlord's Duty to Provide Safe Housing

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### **3.3 The Landlord's Duty to Change the Locks**

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Some states have statutes requiring landlords to change the locks to a tenant's dwelling after the tenant has suffered domestic or sexual violence. As of the date of this publication, at least 13 jurisdictions have adopted such laws.

## 3.4 The Landlord's Duty to Protect Tenants from Criminal Acts by Other Tenants

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The landlord may have a duty to provide additional security measures for the victim tenant, and in some jurisdictions the landlord may have a duty to evict the perpetrator from the building.

Several jurisdictions require tenants to prove the landlord (1) knew of the offending tenant's tendency toward violence, and (2) failed to take reasonable precautions to protect the innocent tenant.

Advocates should discuss with a domestic violence or stalking survivor whether there are options other than evicting the offending tenant that would improve her safety, such as asking the landlord to increase security patrols, provide additional security measures at the survivor's unit, or allow the survivor to transfer to another unit.

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**BARBARA SOMONTE, individually, and as  
Personal Representative of the Estate of  
DINORAH ALONSO GARCIA, on behalf of  
herself and JONATHAN SOMONTE**

**Plaintiffs,**

**vs.**

**PROFESSIONAL MANAGEMENT, INC., and  
PINNACLE HOUSING GROUP, INC., d/b/a  
OLD CUTLER VILLAGE APARTMENTS,**

**Defendants.**







## Woman Shot Multiple Times On Old Cutler Road

POSTED: 12:05 PM EDT October 15, 2004

Investigators found the body of **Dinorah Alonzo Garcia**, 42, inside her wrecked car. The car with a badly damaged front end, was stopped in the grass near a garbage bin at the Old Cutler Village apartments.

Police said **Garcia had been shot several times**, sometime between 5 and 6 a.m.

Family members said **Garcia moved to the complex because it is gated and she felt she would be safer.**

**THIS IS A  
NEGLIGENT SECURITY CASE**

- **Criminal History on Premises**
- **Inoperative Security Gates**
- **Inoperative Security System**
- **Inattentive Security Guard**
- **Violation of Procedures**
- **Cut Back of Security Man Power**



**5:10 a.m. - ORLANDO ENTERS COMPLEX**

**6:32 a.m. - ORLANDO EXITS COMPLEX**

**EXCERPTS FROM THE DEPOSITION OF RISK MANAGER RHEA ANGLIN**

**OLD CUTLER VILLAGE APARTMENTS ????**

Pg. 37, line 22 thru pg. 38, line 11

**Q. ... he didn't have to jump over the gate; he didn't have to do anything. He just drove his car right in. Correct?**

**A. Correct.**

**Q. And after he killed her, he just drove right out?**

**A. Sure. As far as I understand.**

**Q. ... In fact, the security guard that was on duty that evening testified that if she -- as she patrolled, if she saw a car that did not belong there, meaning did not have a visitor's decal; did not have the other decal, that she would report that. Correct?**

**A. She should.**



**EXCERPTS FROM THE DEPOSITION OF VERA PINEDA - 2/6/08**

**OLD CUTLER VILLAGE APARTMENTS SECURITY GUARD**

Pg.20, lines 15-20

**Q. Okay. Since the gate system wasn't working in October of 2004, would you try to go by the front of the complex to have a visible presence out there?**

**THE WITNESS:**

**No, no, no one would tell me to do that, I would go around as I pleased.**

\* \* \*

Pg. 21, line 19 thru pg. 22, line 8

**A. ... I would ask, "when are they going to get the gate in operation, get the gate to operate," but nothing was being done.**

**Q. Why did you ask that?**

**A. Because it would have been more comfortable, more secure for it to be closed.**

**EXCERPTS FROM THE DEPOSITION OF VERA PINEDA - 2/6/08**

**OLD CUTLER VILLAGE APARTMENTS SECURITY GUARD**

**Q. Why do you say that?**

**A. Why? So not that many cars will come inside, come in, and I have to be following every single car.**

Pg. 30, lines 18-22

**Q. Okay. So on the night, in the early morning when this murder occurred in October of 2004, both the Deggy System and the gate were not operational, correct?**

**A. No, they were not working.**



OFFICE  
30427 - 30427 - 30427  
30427 - 30427 - 30427  
30427 - 30427 - 30427  
30427 - 30427 - 30427

# OLD CUTLER VILLAGE APARTMENTS RESIDENT GUIDELINES, RULES AND REGULATIONS

Pages 3-4

## **EMERGENCY MAINTENANCE CONSISTS OF:**

- **Inoperative Access Gate**

## **AUTOMOBILES AND PARKING:**

- Each vehicle must receive a **Parking Permit Tag**, which will be given to you when you move in.

**The Access Gate ... is only programmed to stay open for one vehicle to pass through. YOUR INDIVIDUAL ACCESS CODE OR ACCESS CARD MUST BE USED BEFORE PASSING THROUGH THE GATE.**



INSTRUCTIONS  
1. PRESS AND HOLD THE POWER  
2. PRESS THE NUMBER KEYS TO SET  
3. PRESS THE NUMBER KEYS TO SET  
4. PRESS THE NUMBER KEYS TO SET  
5. PRESS THE NUMBER KEYS TO SET  
6. PRESS THE NUMBER KEYS TO SET

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## ENTRANCE FEATURE TIMELINE

2002	2003				2004				2005			
2/17	5/19	6/20	12/8	12/18	6/24	8/25	10/15	10/18	12/8	3/3	7/11	7/22

**Murder**

FEBRUARY 17, 2002

**CORWIL ARCHITECTS  
PREPARES PLANS FOR AN  
ELECTRONIC SWING ARM ENTRANCE**

## ENTRANCE FEATURE TIMELINE

2002	2003				2004				2005			
2/17	5/19	6/20	12/8	12/18	6/24	8/25	10/15	10/18	12/8	3/3	7/11	7/22



OCTOBER 15, 2004

6:30 AM

**DINORAH GARCIA IS MURDERED**



**ON OLD CUTLER VILLAGE APT. COMPLEX**

## ENTRANCE FEATURE TIMELINE

2002	2003				2004					2005		
2/17	5/19	6/20	12/8	12/18	6/24	8/25	10/15	10/18	12/8	3/3	7/11	7/22

OCTOBER 15, 2004

**FAX FROM PINNACLE HOUSING GROUP  
TO MIAMI DADE ZONING HEARINGS  
SECTION WITH EXECUTED  
PAPERWORK NEEDED FOR PERMIT**



# INAPPROPRIATE SECURITY SYSTEM



**EXHIBIT**

**Invoice**

DATE	INVOICE #
6/29/2004	1289

**Deggy**  
15225 NW 77th Ave.  
Suite # 203  
Miami Lakes, FL 33014  
(305)231-6323 PPhone (305)364-7050 FAX

**PAID**

BILL TO	SHIP TO
Old Cutler Villa Apt. Zully Gonzalez 10415 Old Cutler Road Miami, FL 33190 USA	Old Cutler Villa Apt. Zully Gonzalez 10415 Old Cutler Road Miami, FL 33190 (205) 335 - 5433

P.O. NUMBER	TERMS	DUE DATE	R/RP	SHIP	VIA
Verbal	Prepaid	6/29/2004	FR	6/29/2004	LPS

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1	DEGKIT	Complete Deggy Kit	140.00	140.00
1	DEGKIT	SOFTWARE WIN95/WIN98/NT No Charge		0.00
1	Freight	INSTRUCTION MANUAL Freight Charges FAX: 305 595 4422	5.00	5.00

**Date: 6/29/04**

**Bill to: Old Cutler Village Apt.**

**Description: Complete Deggy Kit**

# INAPPROPRIATE SECURITY SYSTEM

10415 Old Cutler Road  
Miami, FL 33190  
Phone: (305) 235-5433  
Fax: (305) 235-5434

Old Cutler Village

# Fax

<b>To:</b> AA Security	<b>From:</b> Jenny Zamora
<b>Fax:</b> (305) 278-0751	<b>Pages:</b> 12 (Including this cover)
<b>Phone:</b> (305) 278-0748	<b>Date:</b> March 8, 2005
<b>Re:</b> New Schedule and Procedures	<b>CC:</b> Syrie Ortiz, Luisa Marrero

Urgent     For Review     Please Comment     Please Reply     Please Recycle

Old Cutler Village  
10415 Old Cutler Road  
Miami, Florida 33190  
Phone: (305) 235-5433  
Fax: (305) 235-5434  
Email: [oldcutler@bentleyfrank.com](mailto:oldcutler@bentleyfrank.com)

Tuesday, March 08, 2005

To: AA Security & Investigations  
18345 SW 12th Avenue  
Miami, Florida 33157  
Attention: Cynthia and Lory

RE: Old Cutler New Procedures and Schedule

**Effective March 10, 2005 the attached procedures will take effect at Old Cutler Village Apartments.**

The new schedule for the security guard will be as follows:

- Monday thru Friday: From 6:00 p.m. to next day at 7:00 a.m.
- Saturday: From 6:00 p.m. to next day at 7:00 a.m.
- Sunday: From 10:00 a.m. to next day at 7:00 a.m.

Even hours will be requested as needed.

A new Deggy System has been installed for our property convenience. Our client property Perimeter View and Rays all had been implemented for systems already. The system consists in 21 Deggy System located around the property. Every time (2) hours the officer on duty has to patrol the property following the attached route (4 ways from Section 1 to the 22).

The officer must insert the Deggy pin on each of the buttons in order to record the following route:

Every morning the Deggy pin must be returned to our office in order to be recharged and also to activate the recorded route from the pin to my computer.

Please advise your guard that they will be responsible for this pin and to return to the office at the end of their worked period.

Every one officer will be joined at 7:00 a.m. when the officer is leaving, the Deggy pin is located directly in front of them entrance on the on the right of the Clubhouse from down. See attached illustration.

The above schedule will be split between two shifts.

Effective March 10, 2005...  
A new Deggy System has  
been installed...



## CRIMINAL HISTORY ON PREMISES

CRIME AT OLD CUTLER VILLAGE APARTMENTS IN 2004



CLASSIFICATIONS



**WHERE WAS SECURITY  
GUARD SILVIA PINEDA ??**

## EXCERPTS FROM THE DEPOSITION OF VERA PINEDA - 0/0/00

### OLD CUTLER VILLAGE APARTMENTS SECURITY GUARD

Pg. 24, lines 1-5

Q. ... The assailant in this case, the bad guy, do you know what time he came in?

A. No, it was raining that night. The entire night it rained. First I couldn't be in my golf cart because I will get wet.

\* \* \*

Pg. 33, lines 15-25

Q. ... If you saw a car in October of 2004 didn't have a resident parking decal or a visitor's pass, if the person was in the car you would what, ask what are you doing?

A. If it would have been raining, that's something else. If you can see how wet it is around flooded it is in there, and it was thick rain, water falling down.

## **VIOLATION OF INTERNAL PROCEDURES**

- **NO Police Reports**
- **NO Internal Incident Reports**
- **NO Security Logs**

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

**Plaintiff,**

**VS.**

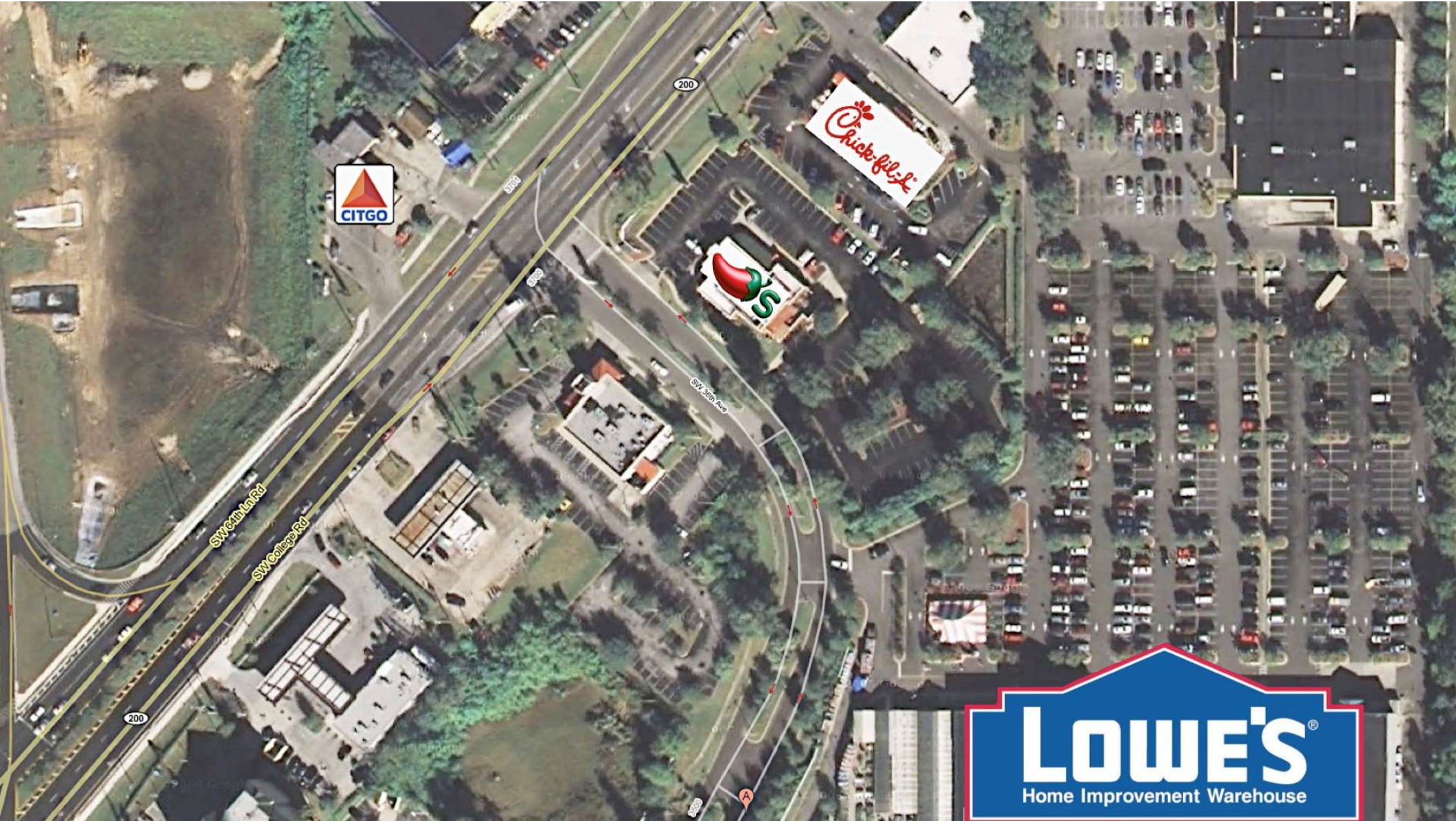
**BRINKER FLORIDA INC.,  
d/b/a CHILI'S GRILL AND BAR**

**Defendants.**





**MICHAEL  
BUBNOW**  
**AN INNOCENT VICTIM**



200

SW 35th Ave

SW 35th Ave

SW 35th Ave

Sweet Ln Rd

SW College Rd

200



# NEGLIGENT SECURITY CASE

- NO SURVEILLANCE CAMERAS
- NO MANNED PATROLS
- INADEQUATE LIGHTING IN PARKING LOT
- **PRIOR SIMILAR CRIMES**

***ABSOLUTE ACTIVE NEGLIGENCE***

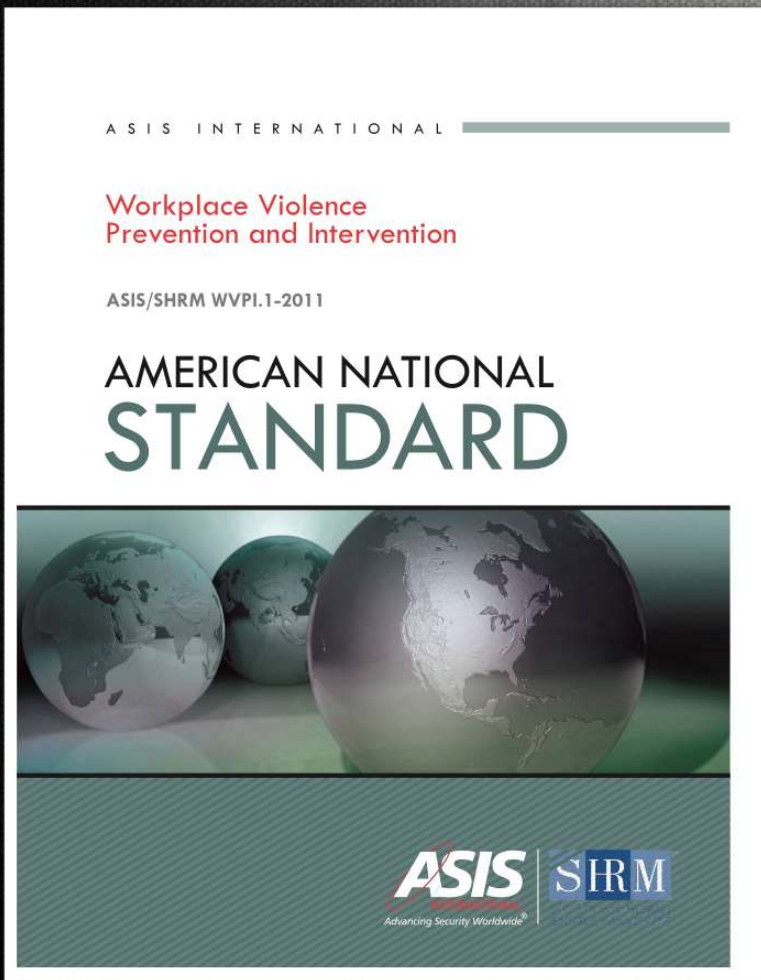
**SECURITY CASE**

***ABSOLUTE ACTIVE NEGLIGENCE***

# **NEGLIGENT CASE**

- **VIOLATED INDUSTRY STANDARD**

# ASIS - WORKPLACE VIOLENCE PREVENTION AND INTERVENTION



## 8 THREAT RESPONSE AND INCIDENT MANAGEMENT

### 8.1 Warning Signs and Their Significance to Incident Management

Because certain problematic conduct often precedes violence, an organization through appropriate training should prepare itself to detect “warnings signs” of potential violence as an important prevention and intervention tool

- Verbal abuse or harassment by any means or medium.

***ABSOLUTE ACTIVE NEGLIGENCE***

## **NEGLIGENT CASE**

- **VIOLATED INDUSTRY STANDARD**
- **VIOLATED WRITTEN STANDARDS**

## HOURLY EMPLOYEE HANDBOOK

### 5.3 SAFETY POLICY AND GENERAL GUIDELINES

**We have the responsibility to prevent the occurrence of situations that lead to accidents.**

HOURLY  
EMPLOYEE  
HANDBOOK

BRINKER INTERNATIONAL PAYROLL COMPANY, L.P. 6820 LBJ FREEWAY DALLAS, TEXAS 75240  
[WWW.BRINKER.COM](http://WWW.BRINKER.COM) 972-980-9917



## HOURLY EMPLOYEE HANDBOOK

### 4.8 WORKPLACE VIOLENCE POLICY

Brinker will not tolerate acts or threats of violence directed toward its employees or guest whether on its premises or at he Brinker-sponsored events. Brinker defines workplace violence as actions or words that endanger or harm other employee or guest, that threaten to endanger or harm another employee or guest...

Such actions include, but are not limited to, the following:

- Verbal and physical threats;
- Verbal and physical acts of aggression;
- Assaults;
- Defacement of Brinker property;
- Any violation of Brinker's Employee Weapons Policy; and
- Any other behavior that causes others to have a reasonable belief that they are in danger.

It is the responsibility of all employees to report acts or threats of violence immediately.

HOURLY  
EMPLOYEE  
HANDBOOK

# HOURLY EMPLOYEE HANDBOOK

BRINKER INTERNATIONAL PAYROLL COMPANY, L.P.

HOURLY EMPLOYEE HANDBOOK

## Chapter 5 CREATING A SAFE AND SECURE WORK ENVIRONMENT

Brinker strives to provide a safe, secure and comfortable environment for our employees and guests. Your awareness may prevent crime or increase the possibility of apprehension if a crime does occur. If in doubt let your Manager know of anything suspicious or call the police.

### CONTROL YOUR ENVIRONMENT

Place valuable items out of sight in a locked place if possible.

Keeps windows and doors clear and open so people can see what's happening from outside.

### NOTIFY THE POLICE ABOUT SUSPICIOUS PERSONS

Trust your instincts. Don't hesitate to report anything that makes you suspicious.

Don't rush to conclusions about a customer's intentions, but don't be afraid to notify the police.

If it is impossible for a manager to get to a phone, you or a guest should call the police.

Always keep the front door locked prior to the restaurant opening.

Two people are required to open and close the restaurant (such as a Manager and another employee).

Prior to entering the restaurant, drive around the building looking for anything or anyone suspicious.

Do not enter the building if there are strange cars or people nearby. Leave the area, call the police, and let the police check the situation before entering.

Always keep the front door locked prior to the restaurant opening.

## NOTIFY THE POLICE ABOUT SUSPICIOUS PERSONS

- Trust your instincts. Don't hesitate to report anything that makes you suspicious. Don't stereotype the typical criminal
- **Be alert to any suspicious person loitering in or near your restaurant with no apparent intention of making a purchase.** (for example, be aware of a person sitting in a parked car or an unfamiliar guest who ask questions about how many employees are in the store when you close.)

# RESTAURANT SECURITY

## Restaurant Security

Page 6 of 6

### Bomb Threats

- Take all bomb threats seriously. Call the police and your Area Director immediately.

Most police departments will ask you several questions. Some questions the police may ask:

- Have there been any recent confrontations with customers?
- Has there been any recent internal strife with employees?

If a person calls, who was talked to whom?

In assessing the threat, a thorough search should be made of the premises both on the interior and the exterior. Searchers should be alert for signs of tampering with electrical wiring, gas lines, or other equipment. If a suspicious package is found, do not touch it. Call the police immediately.

If events and employees must be evacuated, do not use the word bomb. Calmly instruct guests that we are temporarily evacuating our restaurant.

After evacuation, gather your staff and calm them.

### Abusive Customers

Abusive behavior includes loud and profane language, physical contact, such as grabbing an employee, and drunken or disorderly conduct.

We want to strive to please each customer in a friendly and professional manner. Unless the customer becomes abusive or disruptive, we will do our best to accommodate their needs.

If a customer is abusive or disruptive, the manager should intervene. If the customer refuses to leave, or if the manager must ask a customer to leave, he/she should study the situation prior to approaching the customer. It may be advisable to call the police. Do not engage in a physical confrontation with the customer. Isolate the situation if possible and call the police.

When possible, discuss the customer's behavior with him/her away from the rest of the customer's party. This may allow the customer to "save face" and leave voluntarily or quietly finish their meal.

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### Workplace Violence

You must make a reasonable attempt to protect guests, employees, and yourself from injury.

If a fight or assault occurs in the restaurant, call the police immediately. Intervene only to prevent injury, and only if you can do so without putting yourself at risk. Do not engage in a physical confrontation with the customer. Isolate the situation if possible and call the police.

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### Important Phone Numbers

**Abusive behavior include loud and profane language, physical contact, such as grabbing an employee, and drunken or disorderly conduct.**

**When a customer is requested or forced to leave, maintain a careful watch for customer's possible return. If the person returns call the police immediately...**

**The manager's responsibility in such situations is to protect guests and employees.**

**Train employees to observe guests from inside the restaurant as they walk to their cars. This is especially important at night...**

***ABSOLUTE ACTIVE NEGLIGENCE***

## **NEGLIGENT CASE**

- **VIOLATED INDUSTRY STANDARD**
- **VIOLATED WRITTEN STANDARDS**
- **CLEAR VIOLATION OF POLICY**

Pass

## BRINKER'S PROCEDURAL FAILURES

Brinkers Policies, Procedure, and Standard of Care	Pass	Fail
If an individual enters the facility and threatens a couple having dinner with physical violence in a loud and unruly manner that individual should be ejected and the police called immediately.		X
The police should be called if one customer is threatening another customer.		X
The police should be called if an individual was loitering in the parking lot between 30 minutes to an hour, having heated discussions on the phone, and visibly upset.		X
Anytime either an employee or customer is threatened by another customer or anyone else on the premises, the police should be called.		X
If employees are aware of a suspicious or threatening person, they should inform the manager or call the police.		X
If a manager foresees an assault, he or she should call the authorities immediately.		X
If a crime occurred in the parking lot, the Area Manager would contact the Senior Director of Corporate Security and have a discussion with the local police department to assess the situation.		X

<b>Brinkers Policies, Procedure, and Standard of Care</b>	<b>Pass</b>	<b>Fail</b>
If crime was an ongoing problem, a corrective decision between the Area Manager, the Regional Director, and the Senior Director of Corporate Security would be made.		<b>X</b>
In order to deter crime, Brinker's restaurants were not to be attractive to criminals.		<b>X</b>
Management was responsible for knowing the crime history of restaurant areas and using the precautions suggested by the police.		<b>X</b>
Management team was to review how to handle guest incidents.		<b>X</b>

***ABSOLUTE ACTIVE NEGLIGENCE***

**NEGLIGENT CASE**

- **VIOLATED INDUSTRY STANDARD**
- **VIOLATED WRITTEN STANDARDS**
- **CLEAR VIOLATION OF POLICY**
- **CHILI'S EXPERT IS PLAINTIFF EXPERT**
- **LACK OF TRAINING**

**DEPOSITION OF JESSICA ZETROUER**





***CLEAR PROOF OF***

**ACTIVE NEGLIGENCE**

## EXCERPT FROM OCALA P.D. REPORT - 4/20/08



I then conducted a recorded interview with Carol L. Fairclough W/F 09/04/46 the mother of shooting victim Laura L. Ronson and she informed me that on the same date (before the incident) at approximately 2000hrs her daughter had called her and stated that her estrange husband Christopher R. Ronson had showed up at the Chili's Restaurant and questioned her male companion if he was sleeping with her and left. C. Fairclough stated that her daughter has been separated from C. Ronson for approximately a month, and C. Ronson has on a separate occasion shown up at an event and question a male associate if he was sleeping with her daughter. C. Fairclough stated that her daughter has complain to her on numerous occasions that C. Ronson was stalking her and she has warned her to call the police, but her daughter refused to report the incidents. C. Fairclough stated that C. Ronson owns a .45 caliber handguns and that he is well versed in Martial Arts.

# SHANDS - PROGRESS NOTE 4/25/08

Morgan Bishop

UF BUBNOW, MICHAEL R Enc #600865299 IPT TRE 4/20/2008 - 4/28/2008 SmartChart 4/30/2008 Ancillary from:

He was at dinner with his friend, the other victim of the crime, when her husband (who she has been separated from for a while) came in to Chili's the patient said that she and him argued for a bit and then he left. The attack happened after they left the restaurant and got in her car. The patient said that he watched [her] die and that they were not romantically involved.



Progress Note

Yes

Yes

04/22/08  
04/22/08

10:45  
11:07

JOHNNT  
JOHNNT  
AVHNM

**INSIDE**



**RESTAURANT**

**DEPOSITION OF JESSICA ZETROUER**



SEP 30 2011 13:35:21

**DEPOSITION OF JESSICA ZETROUER**



## STATEMENT OF ERIC ARTHUR 8/8/2011

CHILI'S EMPLOYEE

**DJM:** Were you working at the Chili's on the night the man and woman got shot?

**Arthur:** Yes.

**DJM:** Were you a waiter?

**Arthur:** I was.

**DJM:** Did you have any interaction with the man and woman that were eventually shot that night?



## STATEMENT OF ERIC ARTHUR 8/8/2011

CHILI'S EMPLOYEE

**Arthur:** Not personally, but I did witness the argument that occurred at their table about an hour before the shooting.

**DJM:** Tell me what you saw.

**Arthur:** The guy came in and starting yelling and screaming at the woman and the man while they were sitting at their table.

**DJM:** Could you hear what the man was yelling?





## STATEMENT OF ERIC ARTHUR 8/8/2011

CHILI'S EMPLOYEE

**Arthur:** He was screaming at the woman and waving his hands. He said, “You fucking bitch, you fucking whore.” He kept repeating it. Then he started yelling, “Are you fucking him, are you fucking him, are you fucking him.” He kept repeating that too. The whole restaurant was staring at them.

**DJM:** Did you ever hear the guy threaten the man or the woman?

**Arthur:** At some point, he said, “If you’re fucking, I’ll kill you.”



**OUTSIDE**



**PARKING LOT**

**MATTHEW DELANCY**





**HOURLY EMPLOYEE HANDBOOK**



**TEAM MEMBER HANDBOOK**

***IT'S A SIMPLE CASE***



**SAFETY HANDBOOK**



**REDBOOK**

***STANDARDS***



**BILL HEINE**



**CHAD WHITE**



**RICK OSTAVICH**

***WITNESSES***



**JESSICA ZETROUER**



**LAUREN ASHLEY**



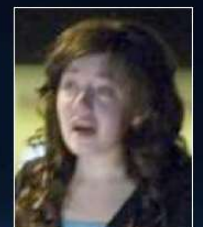
**MATT DELANCEY**



**ERIC ARTHUR**



**DAVID DUNN**



**KAYLA BRADLEY**

**KATHERINE HAYNES GIVENS, individually and  
as Guardian of MILANI GIVENS, a minor,**

**vs.**

**ALAN DEVELOPMENT, INC.,  
d/b/a ADAGIO AT WESTSHORE PALMS  
ELLIS CONSTRUCTION COMPANY, INC.  
and DLG MANAGEMENT SERVICES, INC.**



KATHERINE AND MILANI GIVENS  
**INNOCENT VICTIMS**  
OF THE DEFENDANTS' **NEGLIGENCE**

# ADAGIO AT WESTSHORE PALMS





CALL TODAY  
813.254.1600 

## COMMUNITY AMENITIES

- This is a smoke free community
- Gated/Secured Access
- Fitness Center 24 hours
- Business Center
- High School
- Structured parking for all units
- Elevators
- Storage Units for Rent
- Pet Friendly See Pet Policy
- Dog Park
- Sparkling Swimming Pool
- Broughton Williams Park is located directly across the street with playground, basketball courts, picnic tables and a studio.
- Plant High School District:  
Plant High School, Coleman Middle School, Grady

# • Gated/Secured Access





# CONSTRUCTION NOT COMPLETED


## RUSH TO MOVE TENANTS IN



# CONSTRUCTION NOT COMPLETED

## RUSH TO MOVE TENANTS IN

Print Form

 Construction Services Division  
1400 N. Boulevard  
Tampa, FL 33607  
Phone: (813) 274-3100  
Fax: (813) 299-1712  
www.tampagov.net/permits

Procedures and Fees for  
Obtaining a Temporary  
Certificate of Occupancy

- General Contractor shall make sure final inspections have been made on all permits.
- Obtain an application for Temporary Certificate of Occupancy, and provide the following information:
  - Complete the job address and project number.
  - List of corrections and items that must be completed.
  - Acknowledgement that all work will be completed and approved by the City within thirty (30) days of the issuance of the Temporary Certificate of Occupancy.
  - Owner or tenant, and contractor license holder must sign this form, and the signatures must be notarized.**
- Provide the following information as a separate document:
  - Statement of hardship as to the need for the Temporary Certificate of Occupancy.
- Present the completed form with the attachments to the following:

Construction Service Center  
Inspectional Services  
1400 N. Boulevard, 3rd Floor  
Tampa, FL 33607  
Phone: (813) 274-3100
- Allow 48 hours for processing. Form will be routed to all affected Inspection Bureaus for review and approval.
- Person requesting the Temporary Certificate of Occupancy will be contacted as to the approval or disapproval of the TCO application.
- If approved, pay all fees due, including TCO fee.
- Temporary Certificate of Occupancy issued.

3. Provide the following information as a separate document.

a. Statement of hardship as to the need for the Temporary Certificate of Occupancy.

# KATHERINE GIVENS MOVES IN ON 11/08/14

## Rent Roll-A jio

Unit	Tenant	Status	BD/BA	Rent	Market Rent	Deposit	Past Due	Move-in	Lease To
02-304		Vacant-Unrented	2/2.00		1,600.00	0.00			
02-306		Vacant-Unrented	3/2.00		1,799.00	0.00			
02-307		Vacant-Unrented	1/1.00		1,350.00	0.00			
02-308		Vacant-Rented	2/2.00		1,525.00	0.00			
02-309		Vacant-Rented	1/1.00		1,350.00	0.00			
02-310		Vacant-Rented	2/2.00		1,575.00	0.00			
03-201	Deni G. Renninger	Current	3/2.00	1,799.00	1,799.00	500.00	1,379.23	11/08/2014	11/30/2015
03-202	Leonard Kavaja	Current	1/1.00	1,099.00	1,099.00	0.00	866.33	11/21/2014	11/30/2015

Unit	Tenant	Status	BD/BA	Rent	Market Rent	Deposit	Past Due	Move-in	Lease To
03-205	Katherine y. Givens	Current	2/2.00	1,575.00	1,575.00	500.00	-11.94	11/08/2014	11/30/2015
03-301		Vacant-Unrented	2/2.00		1,525.00	0.00			
03-302	Richard W. Matthews	Current	1/1.00	1,099.00	1,099.00	500.00	-256.43	11/08/2014	11/30/2015
03-303	Jimmie Butler	Current	2/2.00	1,525.00	1,525.00	500.00	-1,501.39	11/08/2014	11/30/2015
03-304	Suzanne E. Bopp	Current	2/2.00	1,650.00	1,650.00	500.00	-1,661.52	11/08/2014	11/30/2015
03-305	Douglas W. Cooper	Current	2/2.00	1,575.00	1,575.00	500.00	-267.50	11/08/2014	11/30/2015
45 Units		17.8% Occupied		11,972.00	67,557.00	3,500.00	-1,768.22		
Total 45 Units		17.8% Occupied		11,972.00	67,557.00	3,500.00	-1,768.22		

# CONSTRUCTION NOT COMPLETED

## ACCESS DOOR KEYS NOT PROVIDED

Adagio at Westshore Palms

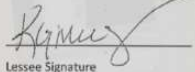
Key/Remote Addendum

Building/Unit #: 03-205

I understand I have received the following keys for my unit listed above. Any keys and/or remotes lost/missing/damaged will be replaced at residents cost.

Ceiling fan remotes 3  
Privacy Key 1  
Front door key(s) 2  
Mail box key(s) 1  
Mail box Number 5

Resident understands all keys are to be returned at move out or be charged for the cost to replace the key(s)/locks and/or remotes.

  
Lessee Signature

11-8-14  
Date

  
Management Signature

11/8/14  
Date

Key/Remote Addendum

Building/Unit #: 03-205

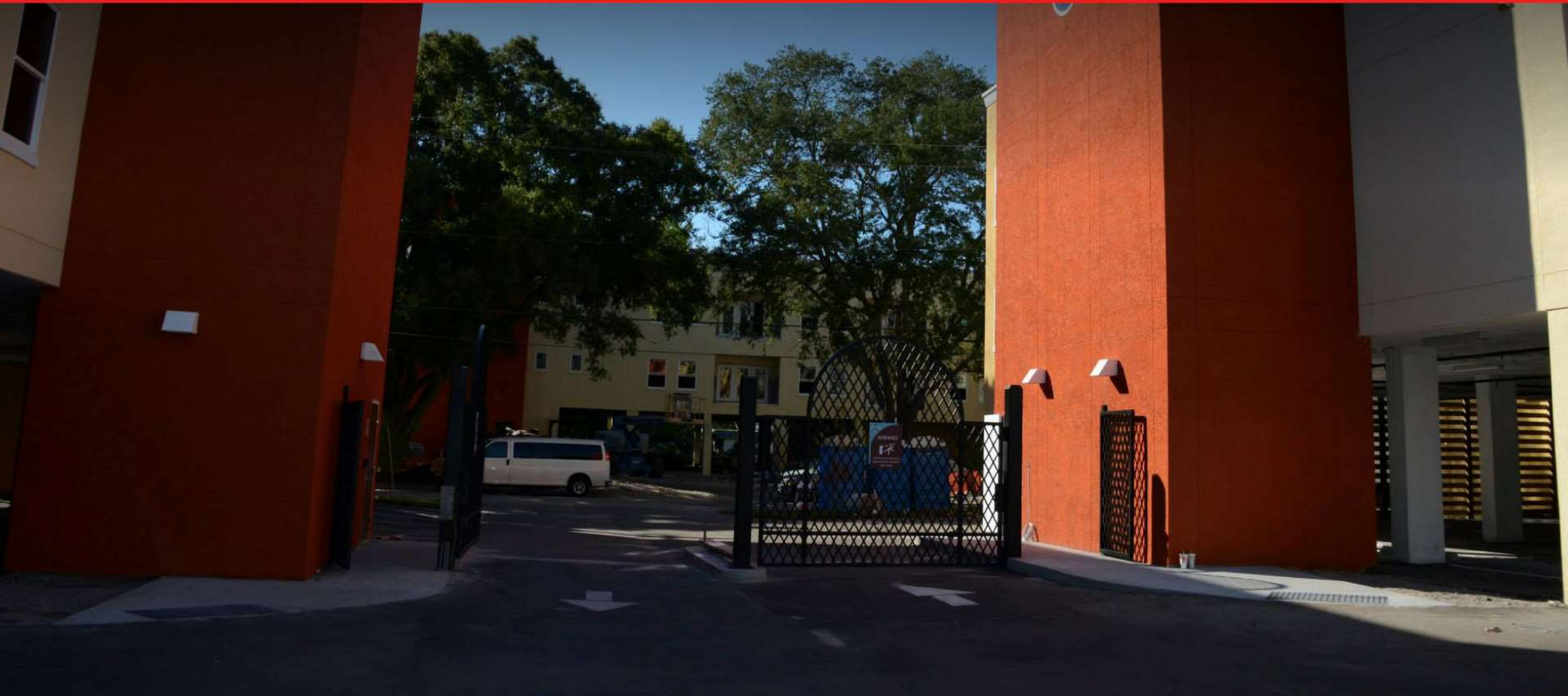
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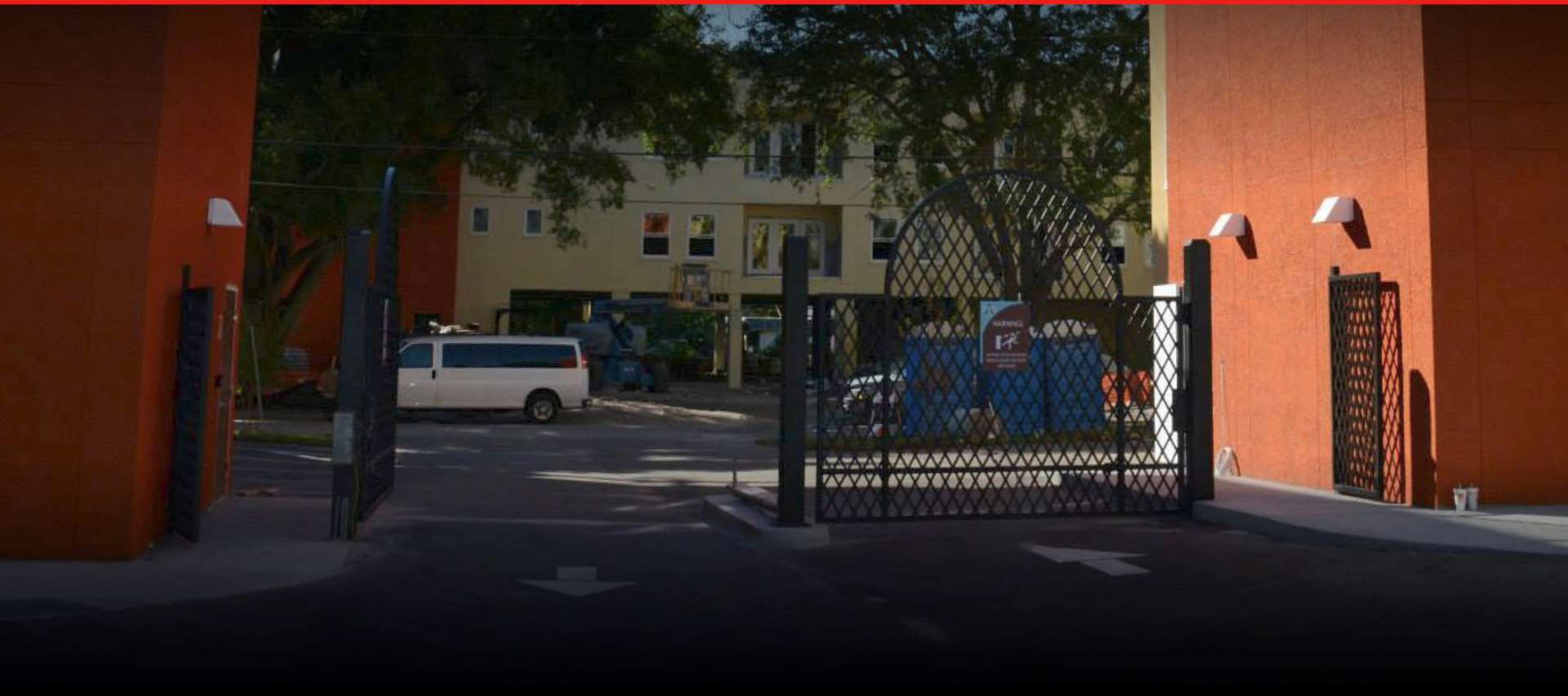
**CONSTRUCTION NOT COMPLETED**

**ACCESS GATE NOT SECURED**



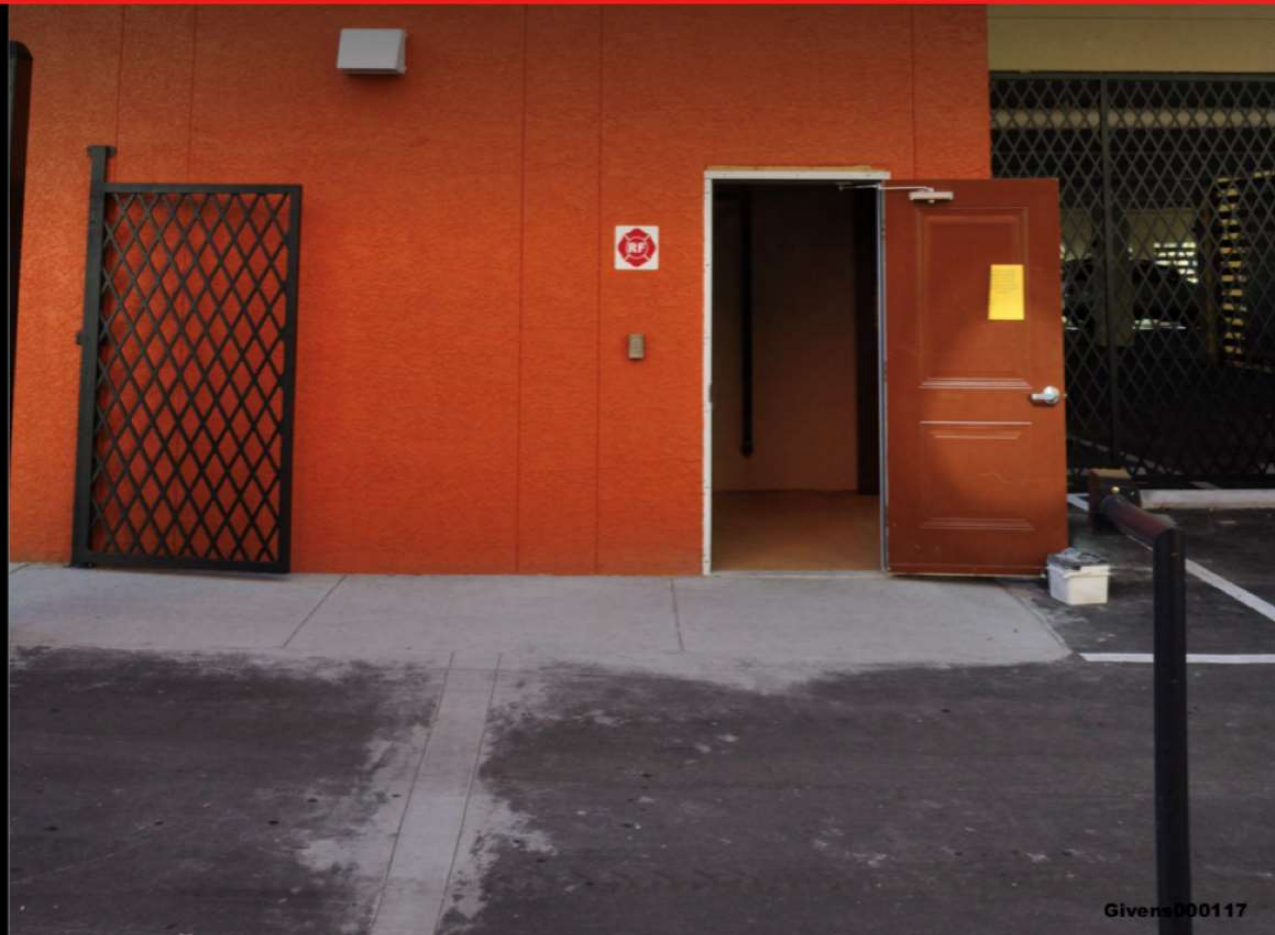
**CONSTRUCTION NOT COMPLETED**

**ACCESS GATE NOT SECURED**



**CONSTRUCTION NOT COMPLETED**

**ACCESS DOORS NOT SECURE**



# WHAT GATED AND SECURED LOOKS LIKE





# WHAT GATED AND SECURED LOOKS LIKE



# NO SAFETY FEATURES



# NO SAFETY FEATURES



**From:** Katie Givens <[kgivens@humana.com](mailto:kgivens@humana.com)>  
**Date:** December 2, 2014 at 6:45:45 AM EST  
**To:** "[jgh112@bellsouth.net](mailto:jgh112@bellsouth.net)" <[jgh112@bellsouth.net](mailto:jgh112@bellsouth.net)>  
**Subject:** call 911 with my address

NOW

**Katherine Givens, MSW**

*Socialites Coach*

**Humana**  
**At Home**

800 Carillon Parkway, Ste 220 | Saint Petersburg, FL 33716

# 12/1/14 - 12/2/14 HOSTAGE INCIDENT

Page: 1  
For: 36878  
TAMPA PD  
CAD CALL HARDCOPY  
CP 2014-749884  
d, Aug. 05 2015  
Reported: Dec-02-2014 06:53:14

Incident Location

Address : 205 - 403 HUBERT AV N  
Place Name : in ADAGIO AT WESTSHORE PALMS  
District : 1 Beat : A4 Grid : 150  
Telephone no. : -

General Information

Report number: 2014-749884 Supplemental to: 2014-756659  
Case Type : DOMESTIC DISPUTE Priority : 2  
Dispatch : Dec-02-2014 06:58:57  
Enroute : Dec-02-2014 06:58:57  
At Scene : Dec-02-2014 07:06:13  
Cleared : Dec-05-2014 08:15:46  
How call received : Telephone-Admin

# 12/1/14 - 12/2/14 HOSTAGE INCIDENT

Dec-02-2014 06:53:14 - ATC COW KATHERINE GIVENS  
WF 38YOA, CALLER IS HER MOTHER, STATED SHE GOT A  
TEXT FROM HER DAUGHTER ABOUT 4-5 MIN AGO STATING  
'PLS HELP ME, HE'S IN HERE' REFERRING TO HER SOON  
TO BE EXHUBAND B/M SCOTT GIVENS 36YOA. COMPL  
THINKS THERE IS A HIST OF ABUSE & SHOULD BE A  
REST ORDER AGAINST HIM

OTHERS

Continued ...

# SPECIFIC KNOWLEDGE OF VIOLENT THREAT

## DOUG HAYNES CALL TO DLG

12/02/2014	7:29 AM	4077011823	Peak PlanAllow	Macon GA	Orlando FL	N/A	5.0	\$0.00	\$0.00	\$0.00
12/02/2014	7:35 AM	8132316130	Peak PlanAllow	Macon GA	Tampacen FL	N/A	3.0	\$0.00	\$0.00	\$0.00
12/02/2014	7:37 AM	8133893026	Peak PlanAllow	Macon GA	Tampa FL	N/A	3.0	\$0.00	\$0.00	\$0.00
12/02/2014	7:40 AM	4077011823	Peak PlanAllow	Macon GA	Orlando FL	N/A	4.0	\$0.00	\$0.00	\$0.00
12/02/2014	7:51 AM	8133752717	Peak PlanAllow	Macon GA	Incoming CL	N/A	7.0	\$0.00	\$0.00	\$0.00
12/02/2014	8:48 AM	4077011823	Peak PlanAllow	Macon GA	Incoming	N/A	3.0	\$0.00	\$0.00	\$0.00

12/02/2014 9:08 AM 8132541600 Peak PlanAllow Forsyth GA Tampacen FL N/A 7.0

12/02/2014	AM	8132541600	Peak PlanAllow	GA	FL	N/A	7.0	\$0.00	\$0.00	\$0.00
12/02/2014	9:14 AM	4077011823	Peak PlanAllow	Forsyth GA	Orlando FL	N/A	3.0	\$0.00	\$0.00	\$0.00
12/02/2014	9:19 AM	8132316130	Peak PlanAllow	Barnesvill GA	Tampacen FL	N/A	3.0	\$0.00	\$0.00	\$0.00

# SPECIFIC KNOWLEDGE OF VIOLENT THREAT

## LETTER MANAGEMENT SENT OUT TO RESIDENTS



December 2, 2014

Dear Resident(s),

Please be sure that after opening the entry/exit doors to the building, that you secure them tightly behind you. This is for the safety of all of our residents! Do not prop doors open at any time.

Very important note: The "compact" parking spaces outside the gate must be compact cars only. The City of Tampa waste removal truck cannot access the gate when a standard or large size vehicle is in one of those spaces. Please inform your guests! We will have signage clarifying that very soon.

For after-hour maintenance emergencies, please be sure to call the DLG main line at 813-254-1600 and press 1 for the on-call maintenance staff.

Best Regards,

Your Adagio Management Team

# THE 12/5/14 INCIDENT

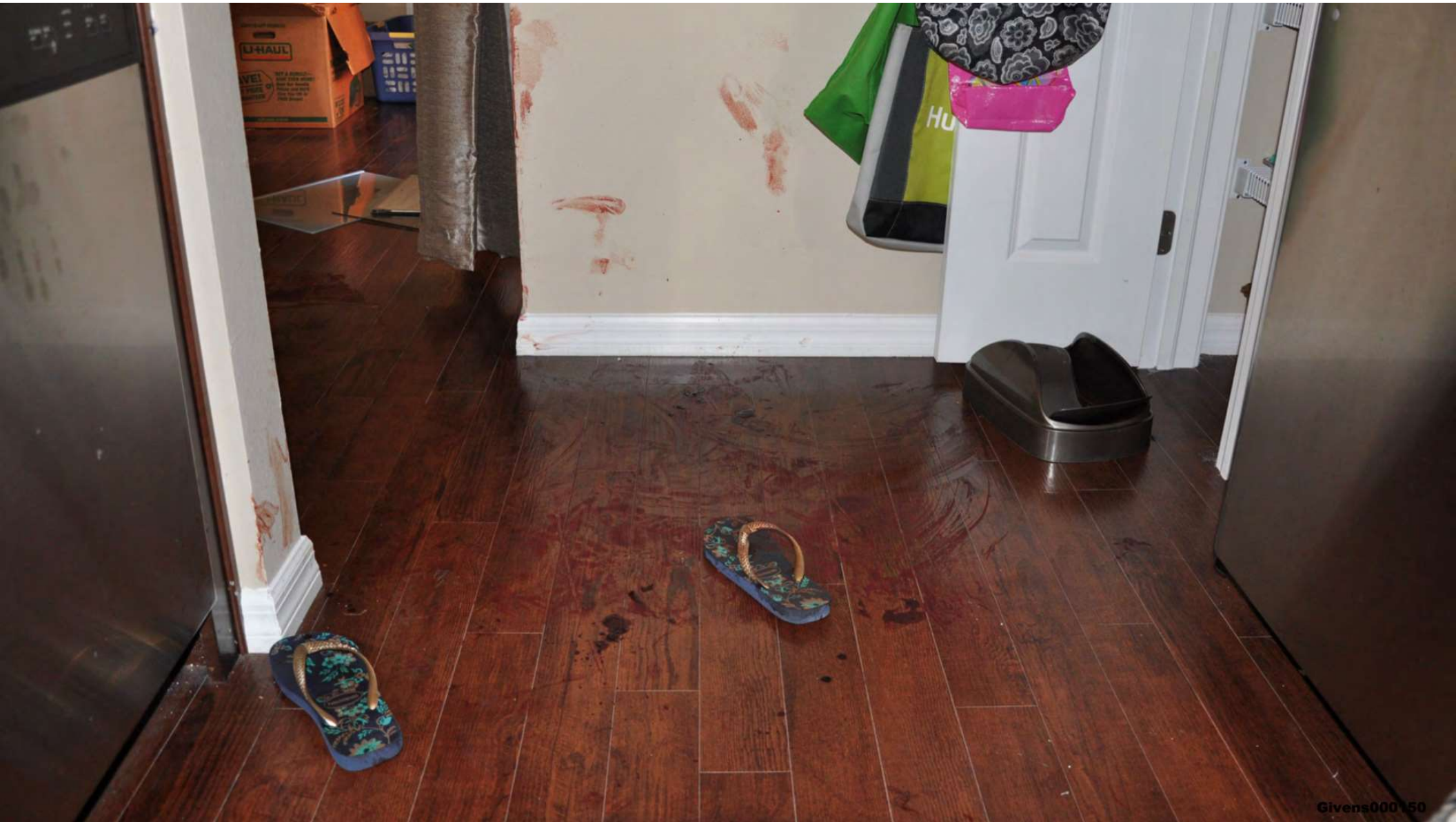


## SWORN STATEMENT FROM OFFICER JAMES MOODY

The memory that I have regarding this incident is that Ofc. Hiles, Ofc. Arthur, and myself were the first officers on scene that day. Ofc. Arthur arrived first and myself and Hiles were within seconds behind Arthur. **We entered an unlocked door that was already propped open** and walked up a flight of (stairwell) stairs to the second floor where a second door was located. **This door did not have a lock.** We met with a W/M, Mr. Haynes. He advised that he was the victims father. He directed us to the first apartment on the right where his daughter lived. The apartment is located on the Northwest corner on the side of the building. The pictures that you sent reflect the said doors and staircase that we utilized that day. The pictures look to be accurate of building 403.

**We observed the victim on the floor near the kitchen and blood was everywhere.** Hiles and Arthur attended the victim while I cleared the apartment. Once I cleared the apartment I assisted Hiles and Arthur. I then went to hold the doors open wider for Fire because they were spring loaded and needed space for the gurney. I met with Fire and directed them to the apartment.

**There is no question in my mind that the doors were unlocked to building 403.**





Thank you.

[HaggardLawFirm.com](http://HaggardLawFirm.com)

