

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FL

CIVIL DIVISION

CASE NO.:

STEWART GORENBERG, as Personal
Representative of the Estate of RANDI
ANN GORENBERG,

Plaintiff,

vs.

SIMON PROPERTY GROUP, INC.
d/b/a TOWN CENTER AT BOCA RATON,

Defendant.

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SHARON R. BOCK
CLERK & COMPTROLLER
CIRCUIT CIVIL DIVISION

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, STEWART GORENBERG, as Personal Representative of the Estate of
RANDI ANN GORENBERG, hereby sues Defendant, SIMON PROPERTY GROUP, INC.
d/b/a TOWN CENTER AT BOCA RATON ("TOWN CENTER"), and alleges:

Allegations Common to All Counts

1. This is an action for damages that exceed the sum of \$15,000.00 exclusive of interest and costs.
2. At all times material hereto, RANDI ANN GORENBERG was a citizen of the State of Florida and a resident of Palm Beach County, Florida.
3. At all times material hereto, TOWN CENTER was authorized to transact business in the State of Florida, including Palm Beach County.
4. At all times material hereto, TOWN CENTER owned, operated and/or maintained business premises ("PREMISES") located on Glades Road in Boca Raton,

Palm Beach County, Florida, which was operated under the name Town Center at Boca Raton.

5. At all times material hereto, TOWN CENTER was operated as a shopping mall comprised of various businesses open to the general public.

6. The facts upon which this action is based occurred at TOWN CENTER in Palm Beach County, Florida and, therefore, venue is proper in Palm Beach County.

7. On or about March 23, 2007, RANDI ANN GORENBERG was an invitee lawfully on the PREMISES.

8. On March 23, 2007, while at the PREMISES as an invitee, RANDI ANN GORENBERG was violently abducted, subsequently shot and killed.

**COUNT I - WRONGFUL DEATH ACTION ON BEHALF OF
THE ESTATE OF RANDI ANN GORENBERG**

9. Plaintiff re-alleges the allegations in paragraphs 1 through 8 herein.

10. STEWART GORENBERG is the surviving spouse of RANDI ANN GORENBERG and has been appointed by a Court of competent jurisdiction as the Personal Representative of the Estate of RANDI GORENBERG. A copy of the Order Appointing Personal Representative is attached as exhibit "A".

11. STEWART GORENBERG, as the personal representative of the Estate of RANDI GORENBERG, brings this action on behalf of the Estate as well as the statutory survivors.

12. Potential beneficiaries to this action known at this time and the relationship of each potential beneficiary to the decedent is as follows: (a) Estate of Randi Ann Gorenberg, (b) Stewart Gorenberg, surviving spouse, (c) Daniel Evan Gorenberg, surviving

son, (d) Sarie Heather Gorenberg, surviving daughter.

13. At all times material hereto, TOWN CENTER owed RANDI ANN GORENBERG various duties. Such duties include, but are not limited to, the following:

- A. Maintain the PREMISES in a reasonably safe condition;
- B. Use reasonable care for the safety of RANDI ANN GORENBERG while on, entering and/or exiting the PREMISES;
- C. Use reasonable care to protect RANDI ANN GORENBERG from reasonably foreseeable risk of harm;
- D. Warn RANDI ANN GORENBERG of dangerous conditions on the PREMISES of which it had, or should of had, knowledge greater than that of RANDI ANN GORENBERG;
- E. Provide adequate security measures and personnel against foreseeable criminal attacks on the PREMISES; and
- F. Institute policies and procedures to make and keep the PREMISES safe for its business invitees including RANDI ANN GORENBERG.

14. TOWN CENTER further breached the duties of care it owed RANDI ANN GORENBERG by committing the following negligent acts and/or omissions:

- A. Negligently failing to take precautionary steps and security measures to protect business invitees from the reasonably foreseeable danger of criminal assault;
- B. Negligently failing to discharge its duty to provide security, commensurate with the facts and circumstances known to it that were, or should have been, apparent to reasonably prudent persons,

including the failure to provide adequate security personnel and to take security measures to protect its tenants and invitees from the reasonably foreseeable danger of criminal assault;

- C. Negligently failing to maintain its premises in a reasonably safe condition;
- D. Negligently failing to use ordinary and reasonable care for the safety of its business invitees, including RANDI ANN GORENBERG;
- E. Negligently failing to guard against subjecting its business invitees, including RANDI ANN GORENBERG, to danger, or to an unreasonable risk of harm, which it knew, or should have known;
- F. Negligently failing to monitor and react to criminogenic conditions on and near the PREMISES;
- G. Negligently failing to predict, and take measures to prevent, opportunistic criminals, such as the individual(s) who killed RANDI ANN GORENBERG;
- H. Negligently failing to provide adequate security measures and personnel in consideration of the time and date; community crime; history of crime on the PREMISES and in the area; design of the PREMISES; use of the PREMISES; and accessibility of the PREMISES;
- I. Negligently failing to have sufficient security personnel to routinely inspect the PREMISES for possible dangerous, uninvited persons or dangerous conditions, as to avoid the risk of harm to invitees, such as

RANDI ANN GORENBERG;

J. Negligently failing to warn and notify its invitees, including RANDI ANN GORENBERG, of the ongoing nature of the criminal activity at the PREMISES;

K. Negligently failing to train its agents, servants, and/or employees in security procedures and measures.

15. At all times material hereto, TOWN CENTER knew, or else in the exercise of reasonable care should have known, of the high level of dangerous and criminal activity in the area and on the PREMISES, including crimes against person or property.

16. As a direct and proximate result of TOWN CENTER's negligence and breach of duties, RANDI ANN GORENBERG was attacked, kidnapped and killed.

17. The attack on RANDI ANN GORENBERG was reasonably foreseeable and preventable.

18. As a direct and proximate result of the negligence of the Defendant and the wrongful death of RANDI ANN GORENBERG, Plaintiff seeks all elements of damages recoverable under the Florida Wrongful Death Act, including the loss of prospective net accumulations of RANDI ANN GORENBERG's Estate, as well as any medical and funeral expenses which have become a charge against the Estate or that were paid on behalf of the decedent, plus any amount otherwise recoverable by a survivor who has paid those expenses.

19. As a direct and proximate result of the Defendant's negligence and the wrongful death of RANDI ANN GORENBERG, the survivors have suffered the loss of support and services from the date of the decedent's injury to her death, with interest, as

well as future loss of support and services from the date of the death.

20. STEWART GORENBERG, as surviving spouse, has also suffered the loss of the decedent's companionship and protection as well as mental pain and suffering.

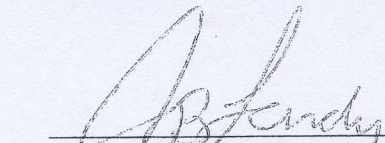
21. Daniel Evan Gorenberg and Sarie Heather Gorenberg, as minor children of the decedent, suffered loss of parental companionship, instruction, and guidance as well as mental pain and suffering.

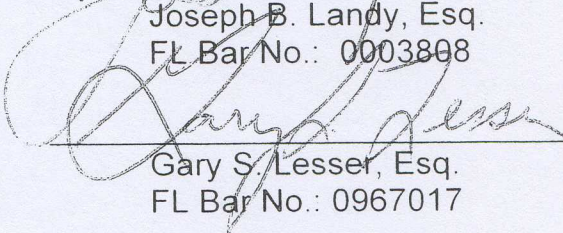
WHEREFORE, Plaintiff STEWART GORENBERG, as Personal Representative of the Estate of RANDI ANN GORENBERG, demands judgment against Defendant for damages in excess of the jurisdictional limits, plus costs, interest, and such other relief as just and proper.

DEMAND FOR JURY TRIAL

Plaintiff, STEWART GORENBERG, as Personal Representative of the Estate of RANDI ANN GORENBERG, as a matter of right, demands a trial by jury on all issues so triable.

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IN THE CIRCUIT COURT FOR PALM BEACH COUNTY, FLORIDA

IN RE: ESTATE OF

PROBATE DIVISION

RANDI ANN GORENBERG,

FILE NO.: 502008 CP 00 1 4 5 2 XXXXNB

Deceased.

DIVISION:

LETTERS OF ADMINISTRATION

TO ALL WHOM IT MAY CONCERN

WHEREAS, Randi Ann Gorenberg, a resident of Palm Beach County, Florida died on March 23, 2008, owning assets in the State of Florida, and

WHEREAS, Stewart Gorenberg has been appointed Personal Representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW THEREFORE, I, the undersigned Circuit Judge, declare Stewart Gorenberg duly qualified under the laws of the State of Florida to act as Personal Representative of the Estate of Randi Ann Gorenberg, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on April 1st, 2008.



STATE OF FLORIDA - PALM BEACH COUNTY
I hereby certify that the foregoing is a true copy as recorded in my office and the same is in full force and effect.

THIS 1 DAY OF April, 2008
SHARON R. BOCK
CLERK & COMPTROLLER

[Signature]
DEPUTY CLERK

[Signature]

CIRCUIT JUDGE

EXHIBIT

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