

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.

50 2008 CA 01 1461XXXX mb

COPY
RECEIVED FOR FILING

APR 23 2008

SHARON R. BOCK
CLERK & COMPTROLLER
CIRCUIT CIVIL DIVISION

AH

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,

