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ATTORNEYS FOR THE PLAINTIFFS

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL DISTRICT
IN AND FOR ORANGE COUNTY, FLORIDA**

RUBEN ENRIQUE GARCIA-TEJEDA; CARLOS
JAVIER PEREZ-ANGLERO; JOSE VIELMA,
INDIVIDUALLY AND AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF LUIS
S. VIELMA; JOAQUIN ROJAS; SANDY
ROBERTS; KADIM RAMOS; CHRISTIAN

CASE NO:

**CIVIL ACTION COMPLAINT AND
JURY DEMAND**

ORTIZ-CARDONA; CARLOS B. MUNIZ-TORRES; JUAN ANTONETTI; JAVIER ANTONETTI; CARLEEN THOMAS; JOSE CARLOS RAMIREZ-MARTINEZ; KEINON CARTER; ROLANDO JOSE RODRIGUEZ; EDWIN RIVERA ALVAREZ; KALIESHA M. ANDINO; CARMEN NILDA CAPO-QUINONES, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LUIS OMAR OCASIO-CAPO; NATHAN OROZCO; NORMAN ESTEVEN CASIANO-MOJICA; NICHOLAS PEREZ; COREY RICHARDS; VICTOR MALDONALDO; BERNEDETTE CRUZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PETER O. GONZALEZ-CRUZ; DIMARIE RODRIGUEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF JEAN CARLOS NIEVES; MERCEDES GARCIA; JUAN JOSE CUFINO RODRIGUEZ; OMAR DELGADO; JORDAN M. BOTELHO; EMILY ANN PORTALATIN; BERNICE DEJESUS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF FRANKY JIMMY DEJESUS VALASQUEZ; ISMAIL MORALES, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANGEL CANDELARIO PADRO; LEONEL MELENDEZ; MERCEDES A. MCQUERY; RONISE ROSE CELESTIN; OLGA M. DISLA-MENCIA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ANTHONY LAUEANO-DISLA; JOSE ELMER PACHECO ANDRADE; DIGNA ROSA-FERNANDEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SIMON ADRIAN CARRILLO FERNANDEZ; ROBERT TEXIDOR-CARRASQUILLO; AND MARELY MENENDEZ, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GILBERTO R. SILVA MENENDEZ

PLAINTIFFS,

V.

1912 ORANGE AVENUE, LLC; 71495 RBP, LLC;
1299 SIA, LLC; PACINO'S, INC.; PULSE OF
ORLANDO, INC.; DOES 1-100, INCLUSIVE,
BARBARA POMA; AND ROSARIO POMA,

Defendants.

COMPLAINT AT LAW

1. Plaintiffs, RUBEN ENRIQUE GARCIA-TEJEDA; CARLOS JAVIER PEREZ-ANGLERO; JOSE VIELMA, Individually and as Personal Representative of the Estate of LUIS S. VIELMA; JOAQUIN ROJAS; SANDY ROBERTS; KADIM RAMOS; CHRISTIAN ORTIZ-CARDONA; CARLOS B. MUNIZ-TORRES; JUAN ANTONETTI; JAVIER ANTONETTI; CARLEEN THOMAS; JOSE CARLOS RAMIREZ-MARTINEZ; KEINON CARTER; ROLANDO JOSE RODRIGUEZ; EDWIN RIVERA ALVAREZ; KALIESHA M. ANDINO; CARMEN NILDA CAPOQUINONES, Individually and as Personal Representative of the Estate of LUIS OMAR OCASIO-CAPO; NATHAN OROZCO; NORMAN ESTEVENT CASIANO-MOJICA; NICHOLAS PEREZ; COREY RICHARDS; VICTOR MALDONALDO; BERNEDETTE CRUZ, Individually and as Personal Representative of the Estate of PETER O. GONZALEZ-CRUZ; DIMARIE RODRIGUEZ, Individually and as Personal Representative of the Estate of JEAN CARLOS NIEVES; MERCEDES GARCIA; JUAN JOSE CUFINO RODRIGUEZ; OMAR DELGADO; JORDAN M. BOTELHO; EMILY ANN PORTALATIN; BERNICE DEJESUS, Individually and as Personal Representative of the Estate of FRANKY JIMMY DEJESUS VALASQUEZ; ISMAIL MORALES, Individually and as Personal Representative of the Estate of ANGEL CANDELARIO

PADRO; LEONEL MELENDEZ; MERCEDES A. MCQUERY; RONISE ROSE CELESTIN; OLGA M. DISLA-MENCIA, Individually and as Personal Representative of the Estate of ANTHONY LAUEANO-DISLA; JOSE ELMER PACHECO ANDRADE; DIGNA ROSA-FERNANDEZ, Individually and as Personal Representative of the Estate of SIMON ADRIAN CARRILLO FERNANDEZ; ROBERT TEXIDOR-CARRASQUILLO; and MARELY MENENDEZ, Individually and as Personal Representative of the Estate of GILBERTO R. SILVA MENENDEZ, by way of their attorneys, Keith L. Altman of Excolo Law PLLC (admission *pro hac vice* to be applied for), Ari Kresch of 1-800-LAW-FIRM (admission *pro hac vice* to be applied for), and Kristoffer R. Budhram, Esquire of the Law Offices of Conrad J. Benedetto and by way of Complaint against the Defendants, 1912 ORANGE AVENUE, LLC; 71495 RBP, LLC; 1299 SIA, LLC; PACINO'S, INC.; PULSE OF ORLANDO, INC.; DOES 1-100, inclusive, BARBARA POMA; and ROSARIO POMA, alleges and says:

PRELIMINARY STATEMENT

2. This complaint relates to an incident that took place at the Pulse Nightclub in Orlando, Florida on or about June 12, 2016 during which Omar Mateen (“Shooter”) opened fire, killing, injuring, and/or causing emotional and/or psychological injury to scores of people, including the plaintiffs. This tragedy was rendered all the more unfortunate by the high number of ways that it could have- and should have- been prevented, saving the lives of those killed and rendering unnecessary all of the harm that was caused.

PARTIES

A. Plaintiff's

3. Plaintiff, RUBEN ENRIQUE GARCIA-TEJEDA, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
4. Plaintiff, CARLOS JAVIER PEREZ-ANGLERO, is a resident of the City of Avon Park, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
5. Plaintiff, JOSE VIELMA, as an individual and Personal Representative of the Estate of LUIS S. VIELMA, is a resident of the City of Sandford, Florida. The decedent was at the Pulse Nightclub the night of the shooting at was killed.
6. Plaintiff, JOAQUIN ROJAS, is a resident of the City of Kissimmee, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
7. Plaintiff, SANDY ROBERTS, is a resident of the City of Orlando, Florida. She was at Pulse Nightclub the night of the shooting and was injured.
8. Plaintiff, KADIM RAMOS, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
9. Plaintiff, CHRISTIAN ORTIZ-CARDONA, is a resident of the City of Kissimmee, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
10. Plaintiff, CARLOS B. MUNIZ-TORRES, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
11. Plaintiff, JUAN ANTONETTI, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
12. Plaintiff, JAVIER ANTONETTI, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.

13. Plaintiff, CARLEEN THOMAS, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
14. Plaintiff, JOSE CARLOS RAMIREZ-MARTINEZ, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
15. Plaintiff, KEINON CARTER, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
16. Plaintiff, ROLANO JOSE RODRIGUEZ, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
17. Plaintiff, EDWIN RIVERA ALVAREZ, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
18. Plaintiff, KALIESHA M. ANDINO, is a resident of the City of Kissimmee, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
19. Plaintiff, CARMEN NILDA CAPO-QUINONES, as an individual and Personal Representative of the Estate of LUIS OMAR OCASIO-CAPO, is a resident of the City of Kissimmee, Florida. The decedent was at Pulse Nightclub the night of the shooting and was killed.
20. Plaintiff, NATHAN OROZCO, is a resident of the City of Caguas, Puerto Rico. He was at Pulse Nightclub the night of the shooting and was injured.
21. Plaintiff, NORMAN ESTEVEN CASIANO-MOJICA, is a resident of the City of Caguas, Puerto Rico. He was at Pulse Nightclub the night of the shooting and was injured.
22. Plaintiff, NICHOLAS PEREZ, is a resident of the City of Kissimmee, Florida. He was at Pulse Nightclub the night of the shooting and was injured.

23. Plaintiff, COREY RICHARDS, is a resident of the City of Bronx, New York. He was at Pulse Nightclub the night of the shooting and was injured.
24. Plaintiff, VICTOR MALDONALDO, is a resident of the City of Apopka, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
25. Plaintiff, BERNEDETTE CRUZ, as an individual and Personal Representative of the Estate of PETER O. GONZALEZ-CRUZ is a resident of the City of Kissimmee, Florida. The decedent was at Pulse Nightclub the night of the shooting and was killed.
26. Plaintiff, DIMARIE RODRIGUEZ, as an individual and Personal Representative of the Estate of JEAN CARLOS NIEVES is a resident of the City of Kissimmee, Florida. The decedent was at Pulse Nightclub the night of the shooting and was killed.
27. Plaintiff, MERCEDES GARCIA, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
28. Plaintiff, JUAN JOSE CUFINO RODRIGUEZ, is a resident of the city of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
29. Plaintiff, OMAR DELGADO, is a resident of the City of Sanford, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
30. Plaintiff, JORDAN M. BOTELHO, is a resident of the City of Ocala, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
31. Plaintiff, EMILY ANN PORTALATIN, is a resident of the City of Altamonte Springs, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
32. Plaintiff, BERNICE DEJESUS, as an individual and Personal Representative of the Estate of FRANKY JIMMY DEJESUS VALASQUEZ, is a resident of the City of San

Juan, Puerto Rico. The decedent was at Pulse Nightclub the night of the shooting and was killed.

33. Plaintiff, ISMAIL MORALES, as an individual and Personal Representative of the Estate of ANGEL CANDELARIO PADRO, is a resident of the City of Moca, Puerto Rico. The decedent was at Pulse Nightclub the night of the shooting and was killed.
34. Plaintiff, LEONEL MELENDEZ, is a resident of the City of Metairie, Louisiana. He was at Pulse Nightclub the night of the shooting and was injured.
35. Plaintiff, MERCEDES A. MCQUERY, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
36. Plaintiff, RONISE ROSE CELESTIN, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
37. Plaintiff, OLGA M. DISLA-MENCIA, as an individual and Personal Representative of the Estate of ANTHONY LAUEANO-DISLA, is a resident of the City of San Juan, Puerto Rico. The decedent was at Pulse Nightclub the night of the shooting and was killed.
38. Plaintiff, JOSE ELMER PACHECO ANDRADE, is a resident of the City of Orlando, Florida. He was at Pulse Nightclub the night of the shooting and was injured.
39. DIGNA ROSA-FERNANDEZ, as an individual and Personal Representative of the Estate of SIMON ADRIAN CARRILLO FERNANDEZ, is a resident of the City of Orlando, Florida. The decedent was at Pulse Nightclub the night of the shooting and was killed.

40. Plaintiff, ROBERT TEXIDO-CARASQUILLO, is a resident of the City of Villa Carolina, Puerto Rico. He was at Pulse Nightclub the night of the shooting and was injured.
41. MARELY MENENDEZ, as an individual and Personal Representative of the Estate of GILBERTO R. SILVA MENENDEZ, is a resident of the City of Orlando, Florida. The decedent was at Pulse Nightclub the night of the shooting and was killed.

B. Defendants

42. Defendant, 1912 ORANGE AVENUE, LLC was and is, at all times pertinent to this Complaint, a Florida 'manager managed' limited liability corporation. 1912 Orange Avenue, LLC is managed solely by Rosario Poma. On November 4, 2016, upon information and belief, 1912 Orange Avenue, LLC transferred title to the property located at 1912 S Orange Avenue in Orlando, Florida (i.e. Pulse Nightclub) to 71495 RBP, LLC and 1299 SIA, LLC for \$100.
43. Defendant, 71495 RBP, LLC was and is, at all times pertinent to this Complaint, a Florida limited liability corporation effective October 13, 2016. Rosario Poma and Barbara Poma are the only authorized managers of the corporation. The principal place of business is listed as 5795 W. Irlo Bronson Memorial Highway.
44. Defendant, 1299 SIA, LLC was and is, at all times pertinent to this Complaint, a Florida limited liability corporation effective October 13, 2016. Rosario Poma and Barbara Poma are the only authorized managers of the corporation. The principal place of business is listed as 5795 W. Irlo Bronson Memorial Highway.

45. Defendant, PACINO'S INC. was and is, at all times pertinent to this Complaint, a Florida limited liability corporation. Rosario Poma and Barbara Poma are the only authorized managers of the corporation. Pacino's Inc.'s restaurant and principal place of business is 5795 W HWY 192, Kissimmee, Florida, 34746. Highway 192 is also known as W. Irlo Bronson Memorial Hwy. Upon information and belief, there are over 900 corporations and over 700 businesses registered at the address, many of which are managed by Rosario Poma and/or Barbara Poma.
46. Defendant, PULSE OF ORLANDO, INC. was and is, at all times pertinent to this Complaint, a Florida not for profit corporation effective June 16, 2016.
47. The true names and capacities of Defendants DOES 1-100, inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiffs, who therefore sues said Defendants by such fictitious names. Plaintiffs will amend their Complaint to allege said DOE Defendants' true names and capacities when the same have been ascertained. Plaintiffs are informed and believe, and based upon such information and belief alleges that each defendant designated herein is responsible in some actionable manner for the occurrences and injuries alleged herein.
48. When referred to collectively herein, the corporation Defendants, DOES 1-100 inclusive, will be referred to as "Corporate Defendants."
49. Defendant, BARBARA POMA, an individual, is believed to be a resident of Orange County, Florida and upon information and belief is the co-owner of Pulse Nightclub and was the co-owner of the fictitious name "Pulse" from 2003 to 2013. Barbara Poma is listed as a manager on the Florida Division of Corporations website of several

corporations including but not limited to 71495 RBP, LLC, 1299 SIA, LLC and PACINO's LLC.

50. Defendant, ROSARIO POMA, an individual, is believed to be a resident of Orange County, Florida and upon information and belief is the co-owner of Pulse Nightclub and was the co-owner of the fictitious name "Pulse" from 2003 to 2013. Rosario Poma is listed as a manager on the Florida Division of Corporations website of several corporations including but not limited to 1912 Orange Avenue, LLC; 71495 RBP, LLC; 1299 SIA, LLC and PACINO'S LLC.
51. When referred to collectively herein, the individually named Defendants will be referred to as "Individual Defendants."
52. Upon information and belief, and by and through Corporate Defendants, Individual Defendants do business as and are the owners of "Pulse Nightclub."
53. Defendants are jointly and severally liable to Plaintiffs as each defendant designated herein is responsible in some actionable manner for the occurrences and injuries alleged herein.
54. At all times herein mentioned, Defendants, and each of them, were an owner, a co-owner, an agent, representative, partner, and/or alter ego of its co-Defendants, or otherwise acting on behalf of each and every remaining defendant, and in doing the things hereinafter alleged, were acting within the course and scope of their authorities as an owner, a co-owner, an agent, representative, partner, and or alter ego of its co-Defendants, with the full knowledge, permission and consent of each and every remaining cross-defendant, each co-cross-defendant having ratified the acts of the other co-Defendants.

55. Plaintiffs are informed and believe and, upon such information and belief, allege that each of the Defendants named herein, DOES 1-100, inclusive, were and are in some manner responsible for the actions, acts and omissions herein alleged, and for the damages caused by the defendants, and are, therefore, jointly and severally liable for the damages caused to Plaintiffs.
56. Plaintiffs are informed and believe and, upon such information and belief, allege that each of the Defendants, corporate and individual, DOES 1-100 inclusive, were, at all times mentioned, acting in concert with, and in conspiracy with, each and every one of the remaining Defendants.
57. Wherever appearing in this Complaint, each reference to any of the Defendants, is intended to be and shall be a reference to all Defendants, unless said reference is otherwise specifically qualified.
58. Plaintiffs allege that individual Defendants Barbara Poma and Rosario Poma are and at all times herein mentioned were, the owners of Pulse Nightclub and/or the principal managers of all named Corporate Defendants, DOES 1-100, inclusive. There exists, and at all times herein mentioned existed, a unity of interest between Individual Defendants and Corporate Defendants such that any individuality and separateness between the Individual Defendants and Corporate Defendants have ceased, and Corporate Defendants are the alter ego of Individual Defendants as follows:
- a. Plaintiffs allege that Corporate Defendants are, and at all times herein mentioned were, a mere shell and sham without capital, assets, stocks or stockholders. Corporate Defendants were conceived, intended, and used by Individual Defendants as a device to avoid individual liability and for substituting a

financially insolvent corporation in the place of Individual Defendants. At no time after Corporates Defendants became incorporated was any stock authorized to be issued nor has any permit of issuance of stock been applied for with the Florida Division of Corporations.

- b. Plaintiffs allege that Corporate Defendants are, and at all times herein mentioned were, the alter ego of Individual Defendants and there exists, and at all times herein mentioned has existed, a unity of ownership between Corporate Defendants such that any separateness has ceased to exist in that Individual Defendants used assets of Corporate Defendants for their personal use, caused assets of Corporate Defendants to be transferred to them without adequate consideration, and withdrew funds from Corporate Defendant's bank account for their personal use.
- c. Plaintiffs allege that Corporate Defendants are, and at all times mentioned herein were, a mere shell, instrumentality and conduit through which Individual Defendants carried on their business in the name of Corporate Defendants exercising complete control and dominance of such business to such an extent that any individuality or separateness of Corporate Defendants and Individual Defendants does not now, and any anytime herein mentioned did not, exist.
- d. Plaintiffs allege that Corporate Defendants are, and at all times herein mentioned were, controlled, dominated, and operated by Individual Defendants as their individual business and alter ego, in that the activities and business of Corporate Defendants were carried out without the holding of Directors or Shareholders meetings, no records or minutes of any corporate proceedings were maintained,

and Individual Defendants entered into personal transactions with Corporate Defendants without the approval of other directors or shareholders.

- e. Plaintiffs allege that adherence to the fiction of separate existence of Corporate Defendants as an entity distinct from Individual Defendants would permit abuse of the corporate privilege and would sanction fraud in that Individual Defendants caused funds to be withdrawn from Corporate Defendants and distributed said funds without any consideration to Corporate Defendants all for the purposes of avoiding and preventing attachment and execution by creditors, including Plaintiffs.

59. Because of the acts, and omissions complained of herein, Individual Defendants are jointly and severally liable, for all relief sought herein against Corporate Defendants by Plaintiffs.

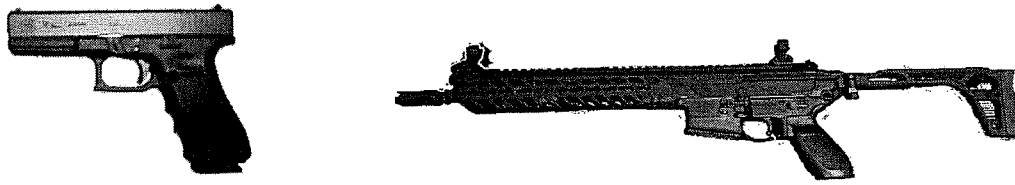
60. The exact role of each Defendant as pertains to the instant case is known only to the Defendants.

61. Venue is proper in this Circuit because the Pulse Nightclub shooting took place in Orange County, Florida.

GENERAL ALLEGATIONS

62. On June 12, 2016, Omar Mateen (hereafter referred to as “Shooter”) was allowed access to Pulse, through the main entrance, while carrying a SIG Sauer MCX semi-automatic rifle and a 9mm Glock 17 semi-automatic pistol.¹

¹Straub, Cambria, Castor, Meade, Waltemeyer and Zeunick, *Rescue, Response and Resilience: A Critical Incident Review of the Orlando Public Safety Response to the Attack on the Pulse Nightclub*, <https://www.policefoundation.org/publication/rescue-response-and-resilience-a-critical-incident-review-of-the-orlando-public-safety-response-to-the-attack-on-the-pulse-nightclub/> at 16 (last visited May 21, 2018).



63. *Figure 1 Stock Image of Guns used in Pulse Nightclub Shooting*

64. At around 12:00 AM Shooter entered the Pulse nightclub, payed the entrance fee and got a wristband. Shooter later left the nightclub and it is believed that he was scoping out the club's security before he returned.²
65. At around 2:00 AM Shooter returned to Pulse nightclub and opened fire on patrons inside.
66. By the time the shooter was fatally shot by the police, ending his rampage, forty-nine (49) people were dead or dying and approximately fifty-three (53) others received permanent injuries and scarring due to wounds from Shooter's gunfire.
67. Pulse was a popular nightclub for the LGBT community in Orlando, Florida.
68. Shooter entered Pulse, through the main entrance, without appropriate security check and/or screening.
69. Defendants by or through its agents, employees, and/or servants did not take reasonable steps to prevent guns from entering the club.
70. Defendants by or through its agents, employees, and/or servants negligently and/or with utter indifference and conscious disregard ignored Pulse's security needs.

² <https://www.cnn.com/2016/06/22/us/omar-mateen-timeline/index.html>

71. Defendants by or through its agents, employees, and/or servants could and should have foreseen that Shooter was entering the club, through the main entrance, with long weapons, given that such weapons were bulky and obviously noticeable.
72. The bulky and obviously noticeable weapons that Shooter entered to Pulse, through the main entrance, could have and should have been easily discovered by bouncers, if bouncers had done a basic superficial security search on Shooter.
73. Defendants by or through its agents, employees, and/or servants did not provide reasonable security to its patrons, when the totality of circumstances required Defendant to take appropriate measures to secure its premises the night of shooting, including to search patrons entering through the main entrance, given the high number of patrons that were expected because of the special event, "Latin Night", among other factors.
74. With adequate security measures in place, Pulse shooting could have been prevented.
75. On November 4, 2016, upon information and belief, 1912 Orange Avenue, LLC transferred title to the property located at 1912 S Orange Avenue in Orlando, Florida (i.e. Pulse Nightclub) to 71495 RBP, LLC and 1299 SIA, LLC for \$100. This conveyance was fraudulent and was an attempt to place assets of 1912 Orange Avenue, LLC beyond the reach of Plaintiffs.

COUNT I
NEGLIGENT HIRING

76. Plaintiffs incorporate herein all prior allegations.
77. At said time and place, Barbara Poma and Rosario Poma as agents of Corporate Defendants, owned, operated and/or maintained Pulse and possessed a duty to maintain the business and its surrounding premises in a safe manner to protect its patrons from harm.

78. At all times material to this action, Defendants assumed duties to Plaintiffs to provide reasonable safety.
79. At all times material to this action, Plaintiffs were invitees on the premises where they were injured.
80. Prior to the physical altercation resulting in Plaintiff's injuries, the Defendants, their agents, employees and/or servants generally knew or should have known that Pulse is commercial property, open to the public, where criminal activity is susceptible to happen if Defendants do not provide adequate security.
81. Defendants, at all times material to this Complaint, knew about dangers that could result from not having appropriate security in Pulse.
82. Defendants, their agents, employees, and/or servants, breached duties owed to Plaintiffs by failing to hire and/or utilize properly trained security guards.
83. The Defendants breached the aforesaid duties when it knew, or should have known, the dangerous propensity in Pulse and failed to hire proper personnel, warn or provide safe premises, ingress and/or egress for the Plaintiffs.
84. The Defendants and each of them through their conduct alleged herein have been and are guilty of gross negligence as defined in Florida Statute § 768.72(2)(b), including but not limited to the aforementioned conduct that was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, and rights of Plaintiffs and decedents.
85. That as a direct and proximate result of Defendants' negligent breaches of duties, Plaintiffs have suffered and will suffer:
 - a. bodily injuries;

- b. pain and suffering;
- c. disability, both temporary and permanent, within a reasonable degree of medical probability;
- d. mental anguish;
- e. lost capacity for enjoyment of life;
- f. loss of earnings;
- g. loss of earning capacity;
- h. medical and hospital expenses;
- i. loss of bodily function.

WHEREFORE, Plaintiffs demand judgement against Defendants for all damages allowed by law including compensatory and punitive damages and costs, and for such other relief this Court deems appropriate and just.

COUNT II
NEGLIGENT TRAINING

- 86. Plaintiffs incorporates herein all prior allegations.
- 87. At said time and place, Barbara Poma and Rosario Poma agents of Corporate Defendants, owned, operated and/or maintained Pulse and possessed a duty to maintain the business and its surrounding premises in a safe manner to protect its patrons from harm.
- 88. At all times material to this action, Defendants assumed duties to Plaintiffs to provide reasonable safety.
- 89. At all times material to this action, Plaintiffs were invitees on the premises where they were injured.
- 90. Prior to the physical altercation resulting in Plaintiff's injuries, the Defendants, their agents, employees and/or servants generally knew or should have known that Pulse is

commercial property, open to the public, where criminal activity is susceptible to happen if Defendants do not provide adequate security.

91. Defendants, at all times material to this Complaint, knew about dangers that could result from not having appropriate security in Pulse.
92. Defendants, their agents, employees, and/or servants, breached duties owed to Plaintiffs failing to properly train and instruct its employees in fulfilling its duties and obligations to invitees, such as Plaintiffs.
93. The Defendants breached the aforesaid duties when it knew, or should have known, the dangerous propensity in Pulse and failed to properly train personnel, warn or provide safe premises, ingress and/or egress for the Plaintiffs.
94. The Defendants and each of them through their conduct alleged herein have been and are guilty of gross negligence as defined in Florida Statute § 768.72(2)(b) including but not limited to the aforementioned conduct that was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, and rights of Plaintiffs and decedents.
95. That as a direct and proximate result of Defendants' negligent breaches of duties, Plaintiffs have suffered and will suffer:
 - a. bodily injuries;
 - b. pain and suffering;
 - c. disability, both temporary and permanent, within a reasonable degree of medical probability;
 - d. mental anguish;
 - e. lost capacity for enjoyment of life;

- f. loss of earnings;
- g. loss of earning capacity;
- h. medical and hospital expenses;
- i. loss of bodily function.

WHEREFORE, Plaintiffs demand judgement against Defendants for all damages allowed by law including compensatory and punitive damages and costs, and for such other relief this Court deems appropriate and just.

COUNT III
NEGLIGENT SUPERVISION

- 96. Plaintiffs incorporates herein all prior allegations.
- 97. At said time and place, Barbara Poma and Rosario Poma as an agent of Corporate Defendants, owned operated and/or maintained Pulse and possessed a duty to maintain the business and its surrounding premises in a safe manner to protect its patrons from harm.
- 98. At all times material to this action, Defendants assumed duties to Plaintiffs to provide reasonable safety.
- 99. At all times material to this action, Plaintiffs were invitees on the premises where they were injured.
- 100. Prior to the physical altercation resulting in Plaintiff's injuries, the Defendants, their agents, employees and/or servants generally knew or should have known that Pulse is commercial property, open to the public, where criminal activity is susceptible to happen if Defendants do not provide adequate security.
- 101. Defendants, at all times material to this Complaint, knew about dangers that could result from not having appropriate security in Pulse.

102. Defendants, their agents, employees, and/or servants, breached duties owed to Plaintiffs by failing to properly supervise its employees in fulfilling its duties and obligations to invitees, such as Plaintiffs.
103. The Defendants breached the aforesaid duties when it knew, or should have known, the dangerous propensity in Pulse and failed to properly supervise personnel, warn or provide safe premises, ingress and/or egress for the Plaintiffs.
104. The Defendants and each of them through their conduct alleged herein have been and are guilty of gross negligence as defined in Florida Statute § 768.72(2)(b) including but not limited to the aforementioned conduct that was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, and rights of Plaintiffs and decedents.
105. That as a direct and proximate result of Defendant's negligent breaches of duties, Plaintiffs have suffered and will suffer:
 - a. bodily injuries;
 - b. pain and suffering;
 - c. disability, both temporary and permanent, within a reasonable degree of medical probability;
 - d. mental anguish;
 - e. lost capacity for enjoyment of life;
 - f. loss of earnings;
 - g. loss of earning capacity;
 - h. medical and hospital expenses;
 - i. loss of bodily function.

WHEREFORE, Plaintiffs demand judgement against Defendants for all damages allowed by law including compensatory and punitive damages and costs, and for such other relief this Court deems appropriate and just.

COUNT IV
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

106. Plaintiffs incorporates herein all prior allegations.
107. Defendants' acts and omissions detailed herein causing or allowing Shooter to freely enter Pulse nightclub without a security check and with at least two loaded weapons of a noticeably large size, was an outrageous act.
108. Defendants' causing or allowing Plaintiffs to be shot and/or killed and/or severely injured caused Plaintiffs to endure severe emotional distress.
109. Defendants' actions constitute the negligent infliction of emotional distress under such circumstances that a reasonably prudent person would characterize them as outrageous.
110. In subjecting Plaintiffs to emotional distress, Individual Defendants agents acted within the real or apparent scope of the Corporate Defendants' business.
111. The Defendants and each of them through their conduct alleged herein have been and are guilty of gross negligence as defined in Florida Statute § 768.72(2)(b) including but not limited to the aforementioned conduct that was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, and rights of Plaintiffs and decedents.
112. That as a direct and proximate result of Defendant's negligent breaches of duties, Plaintiffs have suffered and will suffer:
 - a. bodily injuries;
 - b. pain and suffering;

- c. disability, both temporary and permanent, within a reasonable degree of medical probability;
- d. mental anguish;
- e. lost capacity for enjoyment of life;
- f. loss of earnings;
- g. loss of earning capacity;
- h. medical and hospital expenses;
- i. loss of bodily function.

WHEREFORE, Plaintiffs demand judgement against Defendants for all damages allowed by law including compensatory and punitive damages and costs, and for such other relief this Court deems appropriate and just.

COUNT V
NEGLIGENCE

- 113. Plaintiffs incorporates herein all prior allegations.
- 114. At said time and place, Barbara Poma and Rosario Poma as agents of Corporate Defendants, owned operated and/or maintained Pulse and possessed a duty to maintain the business and its surrounding premises in a safe manner to protect its patrons from harm.
- 115. At all times material to this action, Defendants assumed duties to Plaintiffs to provide reasonable safety.
- 116. At all times material to this action, Plaintiffs were invitees on the premises where they were injured.

117. Prior to the physical altercation resulting in Plaintiffs' injuries, the Defendants, their agents, employees and/or servants generally knew or should have known that Pulse is commercial property, open to the public, where criminal activity is susceptible to happen if Defendants do not provide adequate security.
118. Defendants, at all times material to this Complaint, knew about dangers that could result from not having appropriate security in Pulse.
119. Defendants, their agents, employees, and/or servants, breached duties owed to Plaintiffs by one or more of the following acts and/or omissions:
 - a. failing to provide adequate crowd control on the premises when it knew or should have known that Plaintiffs was exposed to a risk of harm;
 - b. failing to prevent the reasonably foreseeable injuries from occurring to Plaintiffs;
 - c. failing to recognize the high likelihood of injuries by third persons which might endanger the safety of Plaintiffs;
 - d. failing to properly patrol the premises;
 - e. failing to take such other measures which were necessary and reasonable to protect and safeguard Plaintiffs and others on the premises;
 - f. failing to hire and/or utilize properly trained security guards;
 - g. failing to properly train, instruct and supervise its employees in fulfilling its duties and obligations to invitees, such as Plaintiffs;
 - h. failing to provide appropriate security measures to ensure the safety of Plaintiffs;
 - i. other such other negligent acts and/or omissions as discovery or the evidence may show.

120. Defendants breached the aforesaid duties when it knew, or should have known, the dangerous propensity in Pulse and failed to warn or provide safe premises, ingress and/or egress for the Plaintiffs.
121. The Defendants and each of them through their conduct alleged herein have been and are guilty of gross negligence as defined in Florida Statute § 768.72(2)(b) including but not limited to the aforementioned conduct that was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, and rights of Plaintiffs and decedents.
122. That as a direct and proximate result of Defendant's negligent breaches of duties, Plaintiffs have suffered and will suffer:
 - a. bodily injuries;
 - b. pain and suffering;
 - c. disability, both temporary and permanent, within a reasonable degree of medical probability;
 - d. mental anguish;
 - e. lost capacity for enjoyment of life;
 - f. loss of earnings;
 - g. loss of earning capacity;
 - h. medical and hospital expenses;
 - i. loss of bodily function.

WHEREFORE, Plaintiffs demand judgement against Defendants for all damages allowed by law including compensatory and punitive damages and costs, and for such other relief this Court deems appropriate and just.

COUNT VI
WRONGFUL DEATH / SURVIVAL

123. Plaintiffs incorporates herein all prior allegations.
124. At said time and place, Barbara Poma and Rosario Poma as agents of Corporate Defendants, owned operated and/or maintained Pulse and possessed a duty to maintain the business and its surrounding premises in a safe manner to protect its patrons from harm.
125. At all times material to this action, Defendants assumed duties to Plaintiffs to provide reasonable safety as Plaintiffs were invitees on the premises where they were injured.
126. Defendants, at all times material to this Complaint, knew or should have known about dangers that could result from not having appropriate security in Pulse.
127. Defendant, their agents, employees, and/or servants, breached duties owed to Plaintiffs by one or more of the following negligent and/or willful and wanton acts and/or omissions, including but not limited to:
- a. Negligently and/or with utter indifference and conscious disregard, failed to provide adequate crowd control on the premises when it knew or should have known that Plaintiffs was exposed to a risk of harm;
 - b. Negligently and/or with utter indifference and conscious disregard, failed to prevent the reasonably foreseeable injuries from occurring to Plaintiffs;
 - c. Negligently and/or with utter indifference and conscious disregard, failed to recognize the high likelihood of injuries by third persons which might endanger the safety of Plaintiffs;

- d. Negligently and/or with utter indifference and conscious disregard, failed to properly patrol the premises;
- e. Negligently and/or with utter indifference and conscious disregard, failed to take such other measures which were necessary and reasonable to protect and safeguard Plaintiffs and others on the premises;
- f. Negligently and/or with utter indifference and conscious disregard, failed to hire and/or utilize properly trained security guards;
- g. Negligently and/or with utter indifference and conscious disregard, failed to properly train, instruct and supervise its employees in fulfilling its duties and obligations to invitees, such as Plaintiffs;
- h. Negligently and/or with utter indifference and conscious disregard, failed to provide appropriate security measures to ensure the safety of Plaintiffs;
- i. other such other negligent acts and/or omissions as discovery or the evidence may show.

128. Defendants breached the aforesaid duties when it knew, or should have known, the dangerous propensity in Pulse and failed to warn or provide safe premises, ingress and/or egress for the Plaintiffs.

129. The Defendants and each of them through their conduct alleged herein have been and are guilty of gross negligence as defined in Florida Statute § 768.72(2)(b) including but not limited to the aforementioned conduct that was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, and rights of Plaintiffs and decedents.

130. At all times material, Defendants' wrongful conduct, acts, and omissions, as described herein, increased the risk of harm and caused Plaintiff decedent's wrongful death.

131. As a direct and proximate result of the misconduct of Defendants, decedents died, and Defendants are responsible for their death and damages as set forth below:

a. The survivors of LUIS S. VIELMA, LUIS OMAR OCASIO-CAPO, PETER O. GONZALEZ-CRUZ, JEAN CARLOS NIEVES, FRANKY JIMMY DEJESUS VALASQUEZ, ANGEL CANDELARIO PADRO, ANTHONY LAUEANO-DISLA, SIMON ADRIAN CARRILLO FERNANDEZ, GILBERTO R. SILVA MENENDEZ have incurred past and future loss of support and services.

b. The Estates of LUIS S. VIELMA, LUIS OMAR OCASIO-CAPO, PETER O. GONZALEZ-CRUZ, JEAN CARLOS NIEVES, FRANKY JIMMY DEJESUS VALASQUEZ, ANGEL CANDELARIO PADRO, ANTHONY LAUEANO-DISLA, SIMON ADRIAN CARRILLO FERNANDEZ, GILBERTO R. SILVA MENENDEZ have lost prospective net accumulations and have incurred medical and funeral expenses due to their injuries and death.


WHEREFORE, Plaintiffs, personal representatives of the Estates of Decedents, for the benefit of her Estates and her statutory survivors, demand judgement against Defendants for all damages allowed by law including compensatory and punitive damages and costs, and for such other relief this Court deems appropriate and just.

JURY DEMAND

Plaintiffs hereby demand a jury on all issues so triable.

Dated: June 8, 2018

Respectfully Submitted,

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