

IN THE CIRCUIT COURT OF THE 7<sup>th</sup> JUDICIAL  
CIRCUIT IN AND FOR FLAGLER COUNTY,  
FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2023 CA 000364

MIRLOUSE ETIENNE PIERRE,

Plaintiff,

Vs.

FLAGLER COUNTY SCHOOL DISTRICT,  
Defendant.

**Unofficial Copy**

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**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

Plaintiff, MIRLOUSE ETIENNE PIERRE, by and through her undersigned counsel, hereby sues the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, and in support thereof alleges as follows:

**GENERAL ALLEGATIONS**

1. This is an action for damages which exceeds FIFTY THOUSAND DOLLARS (\$50,000.00), exclusive of interest and costs.
2. At all times material hereto, the Plaintiff, MIRLOUSE ETIENNE PIERRE, was and is a resident of the State of Florida, and is otherwise *sui juris*.
3. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, was and is a political subdivision of the State of Florida, organized and existing under the laws of the Florida.

4. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, owned Belle Terre Swim and Racquet Club located at 73 Patricia Drive, Palm Coast, FL 32164, hereinafter the “Subject Premises.”

5. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, maintained, the “Subject Premises.”

6. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, controlled the Subject Premises.

7. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, operated the Subject Premises.

8. Venue is proper in this Court as the incident giving rise to this cause of action occurred in Flagler County, Florida.

9. The Plaintiff, MIRLOUSE ETIENNE PIERRE, has complied with all conditions precedent for bringing this cause of action, including, but not limited, Fla Stat. Sec. 728.28(6).

10. On or about July 10<sup>th</sup>, 2022, the Plaintiff, MIRLOUSE ETIENNE PIERRE, was a lawful invitee at the Subject Premises. That day, the Plaintiff proceeded to sit down on a bench (“Subject Bench”) at the Subject Premises to watch her daughter swim, which bench immediately broke, fell and/or collapsed upon her carefully sitting down. As a result, the Plaintiff, MIRLOUSE ETIENNE PIERRE suffered severe and permanent injury.

**COUNT I**  
**[NEGLIGENCE- FLAGLER COUNTY SCHOOL DISTRICT]**

11. Plaintiff re-adopts and re-alleges Paragraphs 1 through 10 as fully as if said Paragraphs were restated herein.

12. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT owed the public, including, but not limited to the Plaintiff, a nondelegable duty to

maintain, repair, operate and/or control the Subject Premises, including, but not limited to, the Subject Bench, in a reasonably safe condition.

13. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT owed the public, including, but not limited to the Plaintiff, a duty to warn of any dangerous, hazardous and/or defective conditions on the Subject Premises, including, but not limited to, the Subject Bench, which conditions are known and/or should have been known by the Defendant, FLAGLER COUNTY SCHOOL DISTRICT.

14. At all times material hereto, the Defendant, FLAGLER COUNTY SCHOOL DISTRICT breached the above-described duties of duty of care and was negligent by one or more of the following acts:

- a. Negligently failing to provide the Subject Premises in a reasonably safe condition;
- b. Negligently failing to maintain the Subject Bench in reasonably safe condition such that the Subject Bench collapsed and/or broke when sat on by the Plaintiff;
- c. Negligently failing to timely inspect the Subject Bench to ensure that it was safe for use;
- d. Negligently failing to warn of any dangers associated with sitting on the Subject Bench, including, but not limited to, the danger of collapsing when sat on; and/or
- e. Negligently failing to provide a reasonably safe Subject Bench for invitees, such as the Plaintiff to safely use.

15. Said dangerous and hazardous conditions as to the Subject Bench at the Subject Premises were known and/or should have been known to the Defendant, FLAGLER COUNTY

SCHOOL DISTRICT, were created by the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, or had existed for a sufficient length of time so that Defendant, FLAGLER COUNTY SCHOOL DISTRICT knew and/or should have known about the condition, and/or said dangerous conditions occurred with regularity and were therefore foreseeable.

16. As a direct and proximate result of the negligence of the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, the Plaintiff, MIRLOUSE ETIENNE PIERRE, was injured in and about her body, head, face and/or extremities, and/or aggravated a pre-existing condition, sustained bodily injury and resulting pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, loss of the capacity for the enjoyment of life, physical handicap, loss of earnings, incurred medical, nursing, attendant care and life care expenses for her care and treatment and her working ability was impaired; said injuries are either permanent or continuing in their nature and the Plaintiff will suffer such losses and impairments in the future.

**WHEREFORE**, the Plaintiff, MIRLOUSE ETIENNE PIERRE, demands judgment against the Defendant, FLAGLER COUNTY SCHOOL DISTRICT, for damages, together with interest and costs, and further demand a trial by jury on all issues so triable as a matter of right.

Respectfully submitted this 22<sup>nd</sup> day of March 2023,

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