

IN THE CIRCUIT COURT FOR THE
17TH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

ANGELA ANOBILE, as
Personal Representative of the Estate
of **PAMELA ROBB**,

Plaintiff,

v.

JURY TRIAL DEMANDED

100PLUSANIMALRESCUE, INC.,
a Florida not for profit corporation,

Defendant.

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, hereby sues Defendant 100PLUSANIMALRESCUE, INC., a Florida not for profit corporation, for damages, demands a trial by jury on all issues so triable, and further states as follows:

1. This is an action for damages in excess of \$30,000 (thirty-thousand dollars), exclusive of costs and interest, brought, in part, pursuant to the Florida Wrongful Death Act, and is otherwise within the jurisdiction of this Court.

2. At all times material, Plaintiff ANGELA ANOBILE was and is over the age of eighteen (18) years, and is otherwise *sui juris*. ANGELA ANOBILE is the surviving spouse of PAMELA ROBB, and is, or will soon be, appointed Personal Representative of her Estate. ANGELA ANOBILE is a survivor of PAMELA ROBB, pursuant to Fla. Stat. § 768.18(1), because she is her surviving spouse.

3. At all times material, Defendant 100PLUSANIMALRESCUE, INC. (hereinafter "Defendant") was and is a Florida corporation, authorized to do and doing business in the State of Florida.

4. At all times material, Defendant owned, controlled, operated, managed, supervised, and maintained the premises located at or about 345 E. Commercial Blvd., Oakland Park, Florida 33334 (hereinafter the "subject premises").

5. At all times material, Defendant performed, controlled, operated, managed, and supervised the rescue of animals.

6. At all times material, Defendant had a duty to operate its animal rescue operations in a reasonably safe manner.

7. At all times material, Defendant had a duty to supervise and monitor the animals at the subject premises in a reasonably prudent manner.

8. At all times material, PAMELA ROBB was an invitee of Defendant's and was lawfully on the subject premises.

9. At all times material, Defendant possessed, harbored, kept, and had control or custody of a dog (hereinafter the "subject dog").

10. On or about February 17, 2022, the subject dog attacked PAMELA ROBB.

11. As a direct result of the subject dog's attack, PAMELA ROBB: sustained fractures to her right clavicle, right scapula, right humerus, right and left ribs, and sternum; sustained puncture wounds to her face, right ear, neck, right shoulder, right breast, left arm, left wrist, left thumb, right thigh, right and left knees, right and left legs; and lost a significant amount of blood, causing her death.

COUNT I – STRICT LIABILITY CLAIM

Plaintiff ANGELA ANOBILE re-alleges and adopts Paragraphs 1 through 11, as if fully set forth herein.

12. At all times material, Defendant was the owner of the subject dog.

13. Under § 767.04, Fla. Stat., Defendant is strictly liable for the damages caused by the subject dog to PAMELA ROBB.

14. On or about February 17, 2022, the subject dog attacked PAMELA ROBB, and as a direct and proximate result, PAMELA ROBB sustained multiple fractures, puncture wounds, and lost a significant amount of blood, causing her death.

15. As a further direct and proximate result, Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, is entitled to recover all damages pursuant to Florida's Wrongful Death Act, § 768.16 *et seq.*, and all other applicable Florida law.

16. As a further direct and proximate result, Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, is entitled to recover damages that include, but are not limited to, the value of past and future loss of support and services, loss of companionship and protection, mental pain and suffering, medical and funeral expenses, loss of past and future earnings, loss of prospective net accumulations, and such other damages as are allowed under Florida law.

WHEREFORE, Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, demands judgment against Defendant 100PLUSANIMALRESCUE, INC. for damages in excess of the minimal jurisdictional

limits of this Court, as well as post-judgment interest as allowed by law, costs and attorneys fees as allowed by law, and demands trial by jury of all issues so triable.

COUNT II – NEGLIGENCE CLAIM

Plaintiff ANGELA ANOBILE re-alleges and adopts Paragraphs 1 through 11, as if fully set forth herein.

17. At all times material, Defendant was and is vicariously liable by virtue of the doctrine of *respondeat superior* for the negligent acts and omissions of its employees, representatives, agents, trainers, instructors, and servants committed in the course and scope of their employment.

18. At all times material, Defendant undertook to rescue animals, and to supervise, monitor, possess, harbor, keep, and control the animals, and therefore had a duty to do so in a reasonably prudent manner. Defendant's failure to exercise reasonable care in what it undertook to do increased the risk of harm to PAMELA ROBB. At all times material, the harm to PAMELA ROBB was suffered because of her reliance on Defendant's undertaking.

19. At that time and place aforementioned, Defendant breached said duty to PAMELA ROBB and was negligent in one or more of the following ways:

- a. Failing to operate the subject premises in a reasonably safe manner;
- b. Failing to rescue animals in a reasonably safe manner;
- c. Failing to have any policies and procedures in place for when animals attack persons on the subject premises;
- d. Failing to implement any policies and procedures for when animals attack persons on the subject premises;

- e. Failing to euthanize the subject dog immediately upon learning of its dangerous propensities prior to the attack on PAMELA ROBB;
- f. Failing to adequately and properly train employees for animal attacks on the subject premises;
- g. Failing to adequately supervise and monitor persons lawfully on the subject premises, including PAMELA ROBB, in a reasonably prudent manner;
- h. Failing to adequately supervise and monitor the animals on the subject premises in a reasonably prudent manner;
- i. Failing to make reasonable and prudent efforts to determine the safety of persons lawfully on the subject premises;
- j. Portraying to the general public, including PAMELA ROBB, that the subject dog was anything but violent;
- k. Luring members of the general public, including PAMELA ROBB, onto the subject premises by stating that the subject dog “needs your love and support”;
- l. Training the subject dog to be fearless;
- m. Training the subject dog to be confident in its actions;
- n. Failing to train the subject dog to not be violent;
- o. Permitting animals with dangerous propensities, such as the subject dog, on the subject premises;
- p. Failing to adequately warn of the unreasonably dangerous risk of the subject dog;

- q. Failing to perform any assessment and/or evaluation of the subject dog before allowing the subject dog on the subject premises;
- r. Failing to provide PAMELA ROBB with the proper protective equipment;
- s. Failing to have a dog muzzle over the subject dog's snout;
- t. Failing to have any equipment on the subject dog to prevent the subject dog from harming persons on the subject premises;
- u. Leaving PAMELA ROBB alone with the subject dog;
- v. Failing to remove PAMELA ROBB from the subject dog's grasp;
- w. Failing to stop the subject dog from attacking PAMELA ROBB;
- x. Allowing the subject dog to attack PAMELA ROBB;
- y. Failing to timely call 911;
- z. Failing to possess any equipment to separate the subject dog from PAMELA ROBB;
- aa. Aggravating the subject dog by throwing food at it so as to cause the subject dog to continue to attack PAMELA ROBB;
- bb. Aggravating the subject dog by splashing water on it so as to cause the subject dog to continue to attack PAMELA ROBB;
- cc. Aggravating the subject dog by placing a bone in its mouth so as to cause the subject dog to continue to attack PAMELA ROBB;
- dd. Failing to use any lethal equipment to stop the subject dog from harming PAMELA ROBB;
- ee. Failing to render first aid to PAMELA ROBB; and

ff. Providing inadequate medical treatment to PAMELA ROBB.

20. As a direct result of the above-mentioned negligence of Defendant, the subject dog attacked PAMELA ROBB, resulting in her death.

21. As a further direct and proximate result of Defendant's negligence and breaches of its duties of reasonable care, Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, is entitled to recover all damages pursuant to Florida's Wrongful Death Act, § 768.16 *et seq.*, and all other applicable Florida law.

22. As a further direct and proximate result of Defendant's above described negligence and breaches of its duties of care, Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, is entitled to recover damages that include, but are not limited to, the value of past and future loss of support and services, loss of companionship and protection, mental pain and suffering, medical and funeral expenses, loss of past and future earnings, loss of prospective net accumulations, and such other damages as are allowed under Florida law.

WHEREFORE, Plaintiff ANGELA ANOBILE, as Personal Representative of the Estate of PAMELA ROBB, demands judgment against Defendant 100PLUSANIMALRESCUE, INC. for damages in excess of the minimal jurisdictional limits of this Court, as well as post-judgment interest as allowed by law, costs and attorneys fees as allowed by law, and demands trial by jury of all issues so triable.

