

IN THE CIRCUIT COURT, 9th  
JUDICIAL DISTRICT, IN AND FOR  
ORANGE COUNTY, FLORIDA

CASE NO.:

PAUL KEROUAC

Plaintiff,

vs.

HZ O DONUTS, LLC d/b/a  
DUNKIN DONUTS

Defendant.  
\_\_\_\_\_ /

**VERIFIED COMPLAINT FOR DAMAGES**

Plaintiff, PAUL KEROUAC, by and through the undersigned attorney, hereby sues the above defendant, HZ O DONUTS, LLC d/b/a DUNKIN DONUTS, and alleges:

**Jurisdiction and Venue**

1. This is an action for damages which exceed the sum of \$50,000, exclusive of costs, interest and attorneys' fees.

2. At all times material to this action, Plaintiff PAUL KEROUAC, was a natural person residing in Flagler County, Florida.

3. At all times material to this action, Defendant HZ O DONUTS, LLC d/b/a DUNKIN DONUTS was licensed to do business and conducting business at 2265 Aloma Avenue, Winter Park, Florida, as a retail establishment open to the general public.

4. Jurisdiction and venue are proper in this Court as the incident giving rise to this action occurred in Orange County, Florida.

### **General Allegations**

5. On or about January 6, 2022, Plaintiff, who was lawfully on the premises of Defendant, sustained severe and long term injuries following the explosion of a toilet in the mens' room of the business owned by Defendant. The explosion resulted in Defendant and the interior of the room itself, being covered with debris, including human feces and urine.

6. Following the explosion of the toilet, Plaintiff emerged from the mens room and sought assistance from employees and managers of Defendant's business to clean himself, as he remained covered with human feces and urine after emerging from the mens' room at Defendant's business.

7. Plaintiff was informed by Defendant's employees that they were aware of the 'problem with the toilet' as prior incidents with the toilet had occurred.

9. Plaintiff requires mental health care and counseling as a direct result of the trauma experienced in the rest room at Defendant's business and from the continuing trauma following the event.

### **Count I** (Negligence)

9. Plaintiff realleges and incorporates by reference, paragraphs 1 through 9 herein.

10. Defendant had a duty to Plaintiff, as an invitee, to maintain its premises, including the mens' room and the toilet, in a reasonably safe condition for use by its invitees, and to warn its invitees of any known hazards or hazardous conditions, about which the Defendant knew or reasonably should have known through the exercise of reasonable care.

11. At all times material hereto, Defendant had a duty to its invitees to warn its invitees, including Plaintiff, of any known hazards or hazardous conditions, about which Defendant knew of reasonably should have known through the exercise of reasonable care.

12. At the date and at the location described herein. Defendant breached its duties owed to Plaintiff by committing one or more of the following omissions or commissions:

a. Negligently failing to maintain or adequately maintain the mens' room toilet, thus creating a dangerous condition to members of the public, including Plaintiff;

b. Negligently failing to inspect or adequately inspect the mens' room toilet to ascertain whether the toilet constituted a hazard to business invitees, including Plaintiff, thus creating an unreasonably dangerous condition to members of the public, including Plaintiff;

c. Negligently failing to warn or adequately warn Plaintiff of the danger of the mens' room toilet, when Defendant knew or should have known that the toilet was unreasonably dangerous, leaving Plaintiff unaware of the danger.

13. As a direct result of Defendant's breach and/or multiple breaches of its duties and obligations to Plaintiff, who was lawfully on Defendant's premises, Plaintiff unwittingly became the victim of the exploding toilet and of the aftermath which followed, and sustained damages, including injuries and emotional and mental distress.

14. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury and psychological damages resulting in pain and suffering, disability, permanent and significant emotional injury, mental anguish, loss of the capacity for the enjoyment of life, expense of medical care and treatment. The injuries and damages are either permanent or continuing in nature and Plaintiff will suffer losses in the future.

**WHEREFORE**, Plaintiff PAUL KEROUAC seeks judgment against Defendant HZ O DONUTS, LLC d/b/a DUNKIN DONUTS for damages sustained and expected to be sustained in excess of \$50,000; plus prejudgment interest, post judgment interest and Plaintiff's costs of action; and hereby demands a trial by jury by all issues so triable.

**Verification Of Complaint**

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged therein are true and correct to the best of my knowledge and belief.

  
PAUL KEROUAC

/s/ Scott W. Spradley  
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