

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

<p>DOROTHY MOORE-THOMAS,</p> <p>Plaintiff,</p> <p>v.</p> <p>HILTON RESORTS CORPORATION, CONDADO-PLAZA CORPORATION, CONDADO PLAZA RESORT INC., ABC INSURANCE COMPANIES; and DOES I-X.</p> <p>Defendants.</p>

CIVIL NO. 13-1958 ()

RE: TORT ACTION FOR
NEGLIGENCE PURSUANT TO
ARTICLES 1802 & 1803,
31 L.P.R.A. §§ 5141 & 5142.

JURY TRIAL DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

APPEARS NOW the Plaintiff, DOROTHY MOORE-THOMAS (hereinafter referred to as “Plaintiff”), through the undersigned counsel, and hereby states, alleges, and requests as follows:

JURISDICTIONAL BASIS

1. This case is based upon diversity jurisdiction under 28 U.S.C. §1332.
2. Plaintiff is a citizen and resident of the state of Ohio.
3. All Defendants are individuals, corporations, business entities, or partnerships who are citizens of Puerto Rico or a state other than Ohio.
4. The matter in controversy exceeds the sum of SEVENTY FIVE THOUSAND DOLLARS (\$75,000.00), exclusive of interest and costs, thus vesting jurisdiction on this Honorable Court pursuant to 28 U.S.C. § 1332.
5. Venue is proper in the District of Puerto Rico pursuant to 28 U.S.C. §1391, since

the events and acts or omissions giving rise to this claim occurred in this district.

THE PARTIES

6. Plaintiff **DOROTHY MOORE-THOMAS** (hereinafter “Ms. Moore-Thomas”) is of legal age, a citizen and resident of the state of Ohio.
7. Defendant **HILTON RESORTS CORPORATION** is a Delaware corporation, which owns, operates, and/or manages the hotel, resort, property, restaurants and facilities known as The Condado Plaza Hilton (together herein after referred to as “Condado Plaza”) in Condado, Puerto Rico.
8. Defendant **CONDADO-PLAZA CORPORATION** is a Puerto Rico corporation with its corporate headquarters in Puerto Rico, which owns, operates, and/or manages the hotel, resort, property, restaurants and facilities known as The Condado Plaza Hilton (together herein after referred to as “Condado Plaza”) in Condado, Puerto Rico.
9. Defendant **CONDADO PLAZA RESORT INC.** is a Puerto Rico corporation with its corporate headquarters in Puerto Rico, which owns, operates, and/or manages the hotel, resort, property, restaurants and facilities known as The Condado Plaza Hilton (together herein after referred to as “Condado Plaza”) in Condado, Puerto Rico.
10. Defendant **ABC INSURANCE COMPANY** is a corporation organized or operating under the laws of the Commonwealth of Puerto Rico, which insured one or more defendant or tortfeasor for the damages claimed herein.

11. Defendant **DOES I-X** are individuals, corporations, or entities that are citizens of Puerto Rico or a state other than Ohio who are unknown and are jointly and severally liable for Plaintiff's damages.

GENERAL ALLEGATIONS

12. In May of 2013, Ms. Moore-Thomas, 58 years old, visited Puerto Rico with a church group and stayed at The Condado Plaza Hotel.
13. On May 26, 2013, Ms. Moore-Thomas went to get some ice from the machine on her floor.
14. The floor was wet next to the ice machine.
15. Ms. Moore-Thomas slipped and fell on the wet floor immediately next to the ice machine.
16. There was no sign warning of the dangerous condition on the hotel's premises.
17. There was no rug soaking the water that fell from the ice machine.
18. There was no non-skid floor protection in that area.
19. As a direct result of the fall, Ms. Moore Thomas experienced pain in her left arm and elbow, on her right forearm and hurt the back of her head.
20. As a direct result of the fall, Ms. Moore-Thomas experienced an excruciating headache and threw up at the scene and hospital.
21. At the scene, paramedics helped Ms. Thomas-Moore and took her to the Presbyterian Community Hospital in San Juan, Puerto Rico.
22. Police also arrived at the scene, with whom Ms. Thomas-Moore filed a claim.
23. At the Presbyterian Community Hospital, Ms. Moore-Thomas had a CAT-SCAN performed.

24. Ms. Moore-Thomas later noticed that the Condado Plaza had rugs to place next to the ice makers and in fact, a rug was placed afterward in the location where she fell.
25. As a direct result of the fall, Plaintiff suffered pain which made it very difficult for Ms. Moore-Thomas to perform everyday life functions.
26. Upon returning home to Ohio, Ms. Moore-Thomas had a medical evaluation, including a radiological exam, performed by Crystal Clinic, Inc.
27. The radiological exam revealed that Ms. Moore-Thomas suffered a contusion on her left elbow.
28. Ms. Morre-Thomas was then recommended to use a sling or a brace.
29. The radiologist determined that it could take up to 4 to 6 weeks before Ms. Moore-Thomas could feel improvement.
30. To this day, Ms. Moore-Thomas still suffers from pain in her left arm and cannot fully use her left hand to grab or carry objects.
31. In addition to the physical injuries, Ms. Moore-Thomas has experienced emotional and mental pain and suffering as a direct result of her injury, including but not limited to dealing with extreme pain on her left elbow, inhabiting her to fully attend and enjoy professional and private endeavors.
32. Ms. Moore-Thomas has also suffered economic damages as a direct result of her injuries, including but not limited to past and future medical expenses as well as other economic damages.

FIRST CAUSE OF ACTION –
NEGLIGENCE OF THE CONDADO PLAZA
HILTON

33. The allegations contained above are incorporated by reference as if again fully set forth herein.
34. The Condado Plaza, through the various acts or omissions of its employees, representatives, directors, sub-contractors, licensees, or agents, caused damage to Plaintiff through fault or negligence in violation of 31 PR. Laws Ann. 5141 and 5142 (Articles 1802 and 1803 respectively).
35. The Condado Plaza, through its employees, representatives, directors, sub-contractors, licensees, or agents, owed a duty to Ms. Moore-Thomas to provide a safe property free from dangerous conditions or defects.
36. The Condado Plaza, through its employees, representatives, directors, sub-contractors, licensees, or agents, owed a duty to Mrs. Moore-Thomas to adequately and properly train all employees and staff and to properly place signs or rugs next to the ice makers or in areas with wet floors, and to otherwise train employees and staff to prevent, identify, and remedy dangerous conditions at the hotel.
37. The Condado Plaza, through its employees, representatives, directors, sub-contractors, licensees, or agents, knew or should have known that the The Condado Plaza Hilton contained a dangerous condition on May 26, 2013 in the area of the ice machine where the floor was wet.
38. The Condado Plaza, through its employees, representatives, directors, sub-contractors, licensees, or agents, breached their duty to Mrs. Moore-Thomas by failing to properly identify, inspect, maintain, or otherwise keep the The Condado Plaza Hilton free from dangerous conditions and wet flooring in the ice machine area.

39. The Condado Plaza, through its employees, representatives, directors, sub-contractors, licensees, or agents, breached their duty to Ms. Williams by failing to clean, dry, identify, place a rug, or otherwise warn guests of the wet floor where Mrs. Moore-Thomas was injured.

40. As a direct and proximate result of The Condado Plaza's breach of their duty of care, Mrs. Moore-Thomas fell on the wet floor and was injured, suffering physical, emotional, mental, and economic damages.

SECOND CAUSE OF ACTION -
ABC INSURANCE COMPANY

41. The allegations contained above are incorporated by reference as if again fully set forth herein.

42. Defendant ABC Insurance Company was, at the time herein pertinent, issued an insurance policy on behalf of Defendants or another tortfeasor who caused Plaintiff's injuries.

43. Pursuant to 26 P.R. Laws Ann. § 2001, an insurance company is directly liable for the negligence or fault of its insured.

44. Pursuant to 26 P.R. Laws Ann. § 2003, an action against an insurer may be brought separately or may be joined together with an action against its insured.

45. As a result, Defendant ABC Insurance Company is liable to Plaintiff for the damages caused to her by Defendants or another tortfeasor.

THIRD CAUSE OF ACTION -
DOES I-X

46. The allegations contained above are incorporated by reference as if again fully set forth herein.

47. Defendant Does I-X caused damages to Plaintiff through fault or negligence in violation of 31 L.P.R.A. §5141.

48. Defendant Does I-X are jointly and severally liable for the damages caused to Plaintiff.

DAMAGES

49. The allegations contained above are incorporated by reference as if again fully set forth herein.

50. As a result of the negligent acts or omissions of Defendants, Ms. Moore-Thomas has suffered physical, emotional, mental, and economic damages.

51. As a result of the negligent acts or omissions of Defendants, Ms. Moore-Thomas has suffered economic damages including but not limited to past and future medical expenses and lost household services.

52. As a result of the negligent acts or omissions of Defendants, Ms. Moore-Thomas has suffered physical, emotional, and mental damages which have a reasonable value of no less than \$750,000.00.

TRIAL BY JURY DEMANDED

53. Plaintiff hereby demands trial by jury.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the amount of no less than SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$750,000), plus costs incurred, reasonable attorneys' fees, and such other and further relief as to this Honorable Court may seem just and proper under the law.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 31st day of December 2013.

Plaintiffs' Counsel:

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