

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

LAURA J. KOBAYASHI

Plaintiff,

v.

**NAVONA, INC. d/b/a NAVONA
STUDIOS, DOES I-X, CONJUGAL
PARTNERSHIPS I-X, ABC INSURANCE
COMPANIES,**

Defendants.

CIVIL NO.: 20-cv-1169

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

JURY TRIAL DEMANDED

COMPLAINT

TO THE HONORABLE COURT:

APPEARS NOW Plaintiff Laura J. Kobayashi (hereinafter, "Plaintiff") through the undersigned counsel, and hereby **STATES, ALLEGES** and **REQUESTS:**

JURISDICTIONAL BASIS

1. This case is based upon diversity jurisdiction under 28 U.S.C. § 1332.
2. Plaintiff is a citizen of and resides in the state of Florida.
3. All Defendants are citizens of Puerto Rico or a state other than Florida and the matter in controversy exceeds 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.

4. Venue is proper in the district of Puerto Rico pursuant to 28 U.S.C. § 1391, since the events or omissions that give rise to this claim occurred in this district.

THE PARTIES

5. Plaintiff **LAURA J. KOBAYASHI** (hereinafter, “Ms. Kobayashi”) is of legal age, married, and a citizen and resident of the state of Florida.
6. Defendant **NAVONA, INC.** (hereinafter, “Navona Studios”), is a Puerto Rico corporation with its corporate headquarters in Puerto Rico, which owns, operates and or manages the hotel, resort, property, and facilities known as **NAVONA STUDIOS** in San Juan, Puerto Rico.
7. Defendants **DOES I-X** are individuals, corporations, or entities that are citizens of Puerto Rico or a state other than Florida who are unknown and are jointly and severally liable for Plaintiffs’ damages.
8. Defendants **CONJUGAL PARTNERSHIPS I-X** are unknown conjugal partnerships comprised of the individual defendants and their respective spouse.
9. Defendants **ABC INSURANCE COMPANIES** are corporations organized or operating under the laws of the Commonwealth of Puerto Rico, which insured one or more defendants for the damages claimed herein.

GENERAL ALLEGATIONS

10. During the month of December 2019, Ms. Kobayashi stayed with her friend, Roshan Bassan, at **NAVONA STUDIOS**, located at 258 San Francisco Street, San Juan, Puerto Rico.
11. **NAVONA STUDIOS** has a roof top terrace and no elevators.

12. The roof top terrace floor is covered with green, artificial grass turf, making it hard to see when it is wet.
13. When it rains, the roof top terrace and nearby areas at the **NAVONA STUDIOS** get wet and/or flooded with rainwater.
14. During the early hours of December 31st, 2019, it had been raining and the **NAVONA STUDIOS**' roof top terrace and adjacent areas were wet.
15. Early in the morning, on December 31st, 2019, Ms. Kobayashi decided to visit the roof top terrace to watch the sunrise with her friend.
16. The stairway where the incident took place is the only stairway available for guests at the **NAVONA STUDIOS**.
17. There were no signs of any kind indicating that there was a dangerous condition on or near the flight of stairs where the incident took place.
18. The stairs did not have anti-slip grips or non-skid tape installed.
19. Once Ms. Kobayashi made it to the rooftop terrace and stepped on the artificial grass turf, her shoes got very wet and she decided to leave the terrace and head back downstairs to look for another place where she and her friend could watch the sunrise.
20. On her way down the stairs, and as a result of the dangerous conditions, Ms. Kobayashi slipped from the second step of the first flight of stairs and fell on the landing of the stairway, injuring her neck and lower back.
21. After the fall, Ms. Kobayashi began to feel extreme pain and discomfort on her neck and lower back.
22. Her friend made a call to 911 and requested ambulance service.

23. Ms. Kobayashi was unable to stand or walk and she had to wait for the ambulance to pick her up.
24. Ms. Kobayashi was taken by ambulance to Doctors Center Hospital in San Juan where a CT-Scan was performed on her lower back.
25. The CT-Scan showed fractures of the left transverse processes of L2, L3 and L4.
26. Ms. Kobayashi was prescribed 200mg of Sulindac, 20mg of Prednisone, 10mg of CYCLObenzaprine and Oxycodone with Acetaminophen.
27. Ms. Kobayashi went back to **NAVONA STUDIOS** where she stayed until January 2nd, 2020 in her bedroom, laying on the bed and watching television.
28. Due to the injuries sustained, Ms. Kobayashi was forced to miss a new years event for which she and her friend had bought an entrance ticket for two hundred dollars (\$200) each.
29. Her friend had to carry her up and down the stairs through out the remaining days of their stay at **NAVONA STUDIOS**.
30. Ms. Kobayashi's vacations were ruined and she was unable to perform any of the activities she had planned for.
31. Upon return to her home state, Ms. Kobayashi underwent an MRI for examination of her continuous pain on her lower back and neck.
32. The MRI showed loss of the normal cervical lordosis, dextroscoliosis of the cervical spine and central disc herniation at C4-5.
33. The pain on her neck is so severe that she is not able to turn her head in any direction.
34. Ms. Kobayashi has been strongly recommended being treated with corticosteroid injections to manage her pain and has been attending physical therapy for her injuries.

35. Surgery has been strongly recommended as treatment for Ms. Kobayashi's back injuries.

36. As of today, Ms. Kobayashi continues to suffer as a result of the accident, as described below.

37. Ms. Kobayashi has suffered physical, emotional and economic damages as a result of her fall at **NAVONA STUDIOS**.

FIRST CAUSE OF ACTION:
NEGLIGENCE OF NAVONA, INC.

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

39. **NAVONA STUDIOS**, through the various acts or omissions of its employees, representatives, directors, sub-contractors, licensees, or agents, caused damages to Ms. Kobayashi through fault or negligence in violation of Articles 1802 and 1803 of the Puerto Rico Civil Code, 31 P.R. Laws Ann. §§ 5141 & 5142.

40. **NAVONA STUDIOS**, through its employees, representatives, directors, sub-contractors, licensees, or agents, failed to provide a safe property free from dangerous conditions or defects.

41. **NAVONA STUDIOS**, through its employees, representatives, directors, sub-contractors, licensees, or agents, failed to ensure no water covered the walking areas inside the hotel, which allowed for an extremely perilous condition to exist, and as a result caused damages to Ms. Kobayashi.

42. **NAVONA STUDIOS**, through its employees, representatives, directors, sub-contractors, licensees, or agents, knew or should have known that **NAVONA STUDIOS** contained a dangerous condition on or about December 31st, 2019.

43. **NAVONA STUDIOS**, through its employees, representatives, directors, sub-contractors, licensees, or agents, breached their duty to Ms. Kobayashi by failing to properly design,

inspect, maintain or otherwise keep the location free from dangerous conditions and free from wet flooring.

44. **NAVONA STUDIOS**, through its employees, representatives, directors, sub-contractors, licensees, or agents, breached their duty to Ms. Kobayashi by failing to clean, dry, identify, warn guests of the conditions or otherwise provide for proper drainage and/or safeguards where Ms. Kobayashi was injured.

45. **NAVONA STUDIOS**, through its employees, representatives, directors, sub-contractors, licensees, or agents, breached their duty to Ms. Kobayashi by failing to install anti-slip grip on the stairs where Ms. Kobayashi was injured.

SECOND CAUSE OF ACTION:
ABC INSURANCE COMPANIES

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

47. Defendant ABC Insurance Companies was, at the time herein pertinent, authorized to do business as such in Puerto Rico.

48. Defendants ABC Insurance Companies issued or more insurance policies in favor of one or more of the aforementioned Defendants or another tortfeasor.

49. Upon information and belief, the policies provide coverage for damages caused at **NAVONA STUDIOS** and/or coverage for the negligence of the owners, operators, and/or coverage for the negligence of the owners, operators and/or coverage for the negligence of the employees, representatives, directors, sub-contractors, licensees, or agents of **NAVONA STUDIOS**.

50. Defendants ABC Insurance Companies are directly liable for the negligence or fault of its insured, which caused Ms. Kobayashi damages or for the damages suffered on **NAVONA**

STUDIOS's property or as the terms of the insurance policies that were issued may provide.

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

52. 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.

THIRD CAUSE OF ACTION:
DOES I-X

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

54. Defendants Does I-X are generically named for lack of knowledge at this point.

55. Defendants Does I-X caused damages to Ms. Kobayashi through fault or negligence in violation of article 1802, 31 P.R. Laws. Ann. § 5141.

56. Defendants DOES I-X negligent acts or omissions caused Ms. Kobayashi damages.

57. Defendants Does I-X are jointly and severally liable for the damages caused to Ms. Kobayashi.

FOURTH CAUSE OF ACTION:
CONJUGAL PARTNERSHIPS I-X

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

59. The Conjugal Partnerships I-X are generically named for lack of knowledge at this point.

60. The activities by which DOES I-X caused Ms. Kobayashi damages were activities that benefited their respective spouses.

61. Each conjugal partnership is jointly and severally liable to Ms. Kobayashi for the damages caused by the Defendants.

DAMAGES

62. The allegations contained above are incorporated by reference as if again fully set forth.
63. As a result of the negligent acts or omissions of Defendants, Ms. Kobayashi has suffered substantial physical, emotional, mental, and economical damages.
64. As a result of the negligent acts or omissions of Defendants, Ms. Kobayashi's fall caused damage to her lower back and neck.
65. As a result of the negligent acts or omissions of Defendants, Ms. Kobayashi's suffered fractures on her left transverse processes of L2, L3 and L4
66. As a result of the negligent acts or omissions of Defendants, Ms. Kobayashi's suffered loss of the normal cervical lordosis, dextroscoliosis of the cervical spine and central disc herniation at C4-5.
67. As a result of the negligent acts or omissions of Defendants, Ms. Kobayashi continues with severe pain and restricted range of motion.
68. As a result of the negligent acts or omissions of Defendants, Ms. Kobayashi has been unable to assist various family reunions or activities because of the severe pain on her lower back when she sits or stands for long periods of time.
69. As of today, Ms. Kobayashi continues experiencing pain on her neck and lower back when walking and driving.
70. As of today, Ms. Kobayashi is still unable to run and exercise the way she used to.
71. As a direct result of Defendants' negligent acts or omissions, Ms. Kobayashi has experienced the pain and suffering associated at the time of the injury, rehabilitation, and throughout her recovery.

72. As a direct result of Defendants' negligent acts or omissions, Ms. Kobayashi has suffered economical damages, including but no limited to out-of-pocket medical expenses.

73. Plaintiff's combined physical, emotional, mental, and economic damages as a result of the injuries sustained in the incident have a reasonable value of no less than **FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00)**.

74. These are ongoing damages and will continue to accrue.

TRIAL BY JURY DEMANDED

75. Plaintiffs hereby demand a trial by jury

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, in the amount of no less than \$400,000.00 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.

CERTIFICATION: I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will notify the attorneys of record.

RESPECTFULLY submitted on this 7th day of April, 2020.

INDIANO & WILLIAMS, P.S.C.

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