

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT IN AND
FOR DUVAL COUNTY, FLORIDA.

GENERAL JURISDICTION DIVISION

CASE NO.:

LATONYA STEWART, as
Personal Representative for the Estate
of JAMES O. HOLLOWAY, SR, deceased,
Plaintiff,

vs.

NVC-103RD STREET, LTD.
WENDOVER MANAGEMENT, LLC
Defendants.

COMPLAINT & DEMAND FOR JURY TRIAL

LATONYA STEWART, as personal representative for the Estate of JAMES O. HOLLOWAY, SR., deceased, sues Defendants, NVC-103RD STREET, LTD. and WENDOVER MANAGEMENT, LLC, and as grounds states as follows:

ALLEGATIONS AS TO ALL COUNTS

1. This is an action for damages in excess \$50,000.00, exclusive of interest, costs, and attorney fees, and is within the jurisdiction of this Court.
2. LATONYA STEWART, a surviving daughter has or will be appointed as the personal representative for the estate and is the proper person to bring this wrongful death action. Along with LaTonya, JAMES O. HOLLOWAY, SR. is survived by his other adult children: Darrin E. Holloway; James, O. Holloway, Jr.; and Stephon C. Holloway. Decedent's wife is deceased. He also leaves behind 12 grandchildren and 22 great-grandchildren (not beneficiaries of the instant wrongful death action).

3. At all material times, the Defendant, NVC-103RD STREET, LTD., was and is a Florida Limited Partnership organized under the laws of the State of Florida, with its principal address located at 6734 103rd Street, Jacksonville, Florida 32210, with its registered agent, REBECCA RHODEN, located at 215 N. Eola Drive, Orlando, FL 32801, and was doing business in the state of Florida, including ownership of the Marcis Pointe Apartments and the retention pond located therein, located at 6734 103rd Street, Jacksonville, Florida 32210 (hereinafter “the Premises”) on the date of the subject drowning.

4. At all material times, the Defendant, WENDOVER MANAGEMENT, LLC, was and is a Florida Limited Liability Company organized under the laws of the State of Florida, with its principal address located at 1105 Kensington Park Drive, Suite 200, Altamonte Springs, FL 32714, with the same registered agent, REBECCA RHODEN, located at 215 N. Eola Drive, Orlando, FL 32801, and was doing business in the state of Florida, including management/operation of the Marcis Pointe Apartments and the retention ponds located therein, on the date of the subject drowning.

5. A large-scale property management company, in business for more than 30 years, WENDOVER MANAGEMENT, LLC avers to be “Rooted in Family,” and is “committed to creating attainable, thoughtfully designed communities where people not only live, but thrive.” As publicly stated by WENDOVER, they “approach every community as if [they]’re building it for [their] own family.” “From environmentally conscious features to everyday conveniences that support modern living, our communities are built to foster connection, stability, and opportunity. For [Wendover], it’s never just about housing – it’s about the lives, families, and futures rooted within each neighborhood [they] create.”

6. On or about March 21, 2026, JAMES O. HOLLOWAY, SR. was a resident of the Marcis

Pointe Apartments, advertised as “a community designed exclusively for senior citizens,” where “life after 55 should be the best it can be.”

7. Retention ponds, like those at the Marcis Pointe Apartments, are manmade stormwater management systems designed for utilitarian purposes. Those within Jacksonville fall under the purview of the St. Johns Water Management District, and with construction and maintenance requirements codified, measures are in place to delay, deter, and lessen the likelihood that a vulnerable person, such as a child or elderly person, gains access to the water. Among those requirements, if slope regulations are not maintained, the pond shall be fenced or otherwise restricted from public access.

8. On or about March 21, 2026, JAMES O. HOLLOWAY, SR. drowned in a retention pond on the Premises near the apartments. Due to that retention pond not being maintained in compliance with mandatory maintenance strictures, including those pertaining to the slope of the land heading towards and into the water, JAMES O. HOLLOWAY, SR. should never have been able to gain access to the pond, as the pond should have been fenced or otherwise restricted from public access. However, as the pond was not properly maintained (incl. but not limited to the slope), nor were access control measures in place, JAMES O. HOLLOWAY, SR. had direct access to the water, was cajoled towards same due to the slope, became submerged, and was unable to safely exit the water. He drowned.

**COUNT I:
NEGLIGENCE CLAIM AGAINST
NVC-103RD STREET, LTD.**

9. Plaintiff re-alleges all allegations set forth in paragraphs 1 through 8 of this Complaint.

10. At all material times, HOLLOWAY, SR., was an invitee within the Premises owned, operated and controlled by Defendant.

11. At all material times, Defendant owed a non-delegable duty to HOLLOWAY, SR. to exercise reasonable care and to keep its premises in a reasonably safe condition for the safety of persons, including the elderly, lawfully on the Premises.

12. At all material times, and having represented that the Premises was designed exclusively for senior citizens, Defendant owed a duty to exercise ordinary care to protect residents from foreseeable dangers associated with operating a facility for the exclusive use by elderly persons, including but not limited to, instituting measures to protect residents from foreseeable perils associated with elderly residents that may leave their apartment in the night and potentially not in fully lucid states of mind.

13. At all material times, Defendant owed a duty to HOLLOWAY, SR. to exercise reasonable care in keeping its retention ponds in a reasonably safe condition for the safety of all persons lawfully on the Premises, such as HOLLOWAY, SR.

14. The above-described dangerous conditions existed for a sufficient period of time such that a reasonable person and/or corporation, for example Defendant, its agents, servants, and/or employees, knew or should have discovered and corrected same.

15. The Defendant, breached its non-delegable duty to maintain these Premises in a reasonably safe condition by committing one or more of the following acts or omissions:

- A. Allowing a dangerous and defective condition to be created and/or to remain on its premises, to wit: an unsecured retention pond, as well as one that had a dangerous side slope that did not comply with mandatory codes, thereby increasing the risk of drowning posed to children on the Premises;
- B. Failing to comply with mandatory regulations pertaining to the maintenance of the retention pond where HOLLOWAY, SR. drowned, including but not limited to

those proscribed by Florida's Administrative Code (FAC), including Sections 40C-4.091 and 40C-42.025-.029, and the St. John's Water Management District's Applicant's Handbook, which is incorporated by reference by the FAC. The aforementioned regulations specifically detail how the pond must be maintained, including but not limited to ensuring that periodic maintenance inspections are held to ensure that the pond functions as designed and permitted, that pond be fenced or otherwise restricted from public access, or have bank slopes that are maintained and no greater than 4:1 out to a depth of 2'-0" below the water control line, that the littoral zone must be maintained as to be no steeper than 6:1, and that the pond's side slopes be adequately stabilized to minimize erosion and sedimentation;

- C. Failing to maintain the subject retention pond in conformity with the minimum design specifications that were submitted to, and approved by the water management district;
- E. Failing to actively monitor the retention pond;
- F. Failing to warn residents and guests that the retention pond was dangerously not in compliance with mandatory safety regulations;
- G. Failing to train its employees and/or ensure that employees trusted to maintain the Premises regarding how to safely maintain the retention pond;
- H. Failing to routinely commission necessary and effective inspections of the pond;
- I. Failing to reasonably maintain the flora around the pond;
- J. Failing to adequately illuminate the subject pond and surrounding area.

16. As a direct and proximate result of Defendant's negligence, HOLLOWAY, SR., decedent, suffered severe bodily harm which led to his death.

17. As a further direct and proximate result of the negligence of Defendant, which caused the death of HOLLOWAY, SR., the Defendant is liable to the Plaintiff for all damages to which the Estate and/or the survivors and/or beneficiaries are entitled under the Florida Wrongful Death Statute, pursuant to *Fla. Stat.* §768.21. Specifically, the decedent's Estate, beneficiaries, and her survivors, have suffered and will continue to suffer damages into the future including, as authorized and allowed under the Wrongful Death Act, Section 768.16 et seq. Florida Statutes:

- A. The past and future mental pain and suffering of decedent's surviving children, AMAYA WHITE;
- B. Expenses of funeral arrangements arising from the injury and death of HOLLOWAY, SR.;
- C. Expenses related to all medical care rendered to Decedent as a result of the subject drowning; and
- D. Any and all other damages as specified in F.S. 768.21.

WHEREFORE, the Plaintiff sues the Defendant and demands judgment for damages exclusive of attorney's fees, costs, and interest against them in an amount in excess of the jurisdictional limits of this Court.

**COUNT II:
NEGLIGENCE CLAIM AGAINST
WENDOVER MANAGEMENT, LLC**

16. Plaintiff re-alleges all allegations set forth in paragraphs 1 through 8 of this Complaint.

17. At all material times, HOLLOWAY, SR., was an invitee within the Premises operated and controlled by Defendant.

18. At all material times, Defendant owed a duty to HOLLOWAY, SR. to exercise reasonable care and to keep its premises in a reasonably safe condition for the safety of persons, including the

elderly, lawfully on the Premises.

19. At all material times, and having represented that the Premises was designed exclusively for senior citizens, Defendant owed a duty to exercise ordinary care to protect residents from foreseeable dangers associated with operating a facility for the exclusive use by elderly persons, including but not limited to, instituting measures to protect residents from foreseeable perils associated with elderly residents that may leave their apartment in the night and potentially not in fully lucid states of mind.

20. At all material times, Defendant owed a duty to HOLLOWAY, SR. to exercise reasonable care in keeping its retention ponds in a reasonably safe condition for the safety of all persons lawfully on the Premises, such as HOLLOWAY, SR..

21. The above-described dangerous conditions existed for a sufficient period of time such that a reasonable person and/or corporation, for example Defendant, its agents, servants, and/or employees, knew or should have discovered and corrected same.

22. The Defendant, breached duty to maintain these Premises in a reasonably safe condition by committing one or more of the following acts or omissions:

- A. Allowing a dangerous and defective condition to be created and/or to remain on its premises, to wit: an unsecured retention pond, as well as one that had a dangerous side slope that did not comply with mandatory codes, thereby increasing the risk of drowning posed to children on the Premises;
- B. Failing to comply with mandatory regulations pertaining to the maintenance of the retention pond where HOLLOWAY, SR. drowned, including but not limited to those proscribed by Florida's Administrative Code (FAC), including Sections 40C-4.091 and 40C-42.025-.029, and the St. John's Water Management District's

Applicant's Handbook, which is incorporated by reference by the FAC. The aforementioned regulations specifically detail how the pond must be maintained, including but not limited to ensuring that periodic maintenance inspections are held to ensure that the pond functions as designed and permitted, that pond be fenced or otherwise restricted from public access, or have bank slopes that are maintained and no greater than 4:1 out to a depth of 2'-0" below the water control line, that the littoral zone must be maintained as to be no steeper than 6:1, and that the pond's side slopes be adequately stabilized to minimize erosion and sedimentation;

- C. Failing to maintain the subject retention pond in conformity with the minimum design specifications that were submitted to, and approved by the water management district;
- D. Failing to advise potential residents that Defendant also operated/managed a nearby apartment complex wherein the retention ponds were surrounded by fencing;
- E. Failing to warn residents and guests that the retention pond was dangerously not in compliance with mandatory safety regulations;
- F. Failing to actively monitor the retention pond;
- G. Failing to warn residents and guests that the retention pond was dangerously not in compliance with mandatory safety regulations and even contained alligators;
- H. Failing to train its employees and/or ensure that employees trusted to maintain the Premises regarding how to safely maintain the retention pond;
- I. Failing to routinely commission necessary and effective inspections of the pond

J. Failing to reasonably maintain the flora around the pond;

K. Failing to adequately illuminate the subject pond and surrounding area.

23. As a direct and proximate result of Defendant's negligence, HOLLOWAY, SR., decedent, suffered severe bodily harm which lead to his death.

24. As a further direct and proximate result of the negligence of Defendant, which caused the death of HOLLOWAY, SR., the Defendant is liable to the Plaintiff for all damages to which the Estate and/or the survivors and/or beneficiaries are entitled under the Florida Wrongful Death Statute, pursuant to *Fla. Stat.* §768.21. Specifically, the decedent's Estate, beneficiaries, and her survivors, have suffered and will continue to suffer damages into the future including, as authorized and allowed under the Wrongful Death Act, Section 768.16 et seq. Florida Statutes:

A. The past and future mental pain and suffering of decedent's surviving children;

B. Expenses of funeral arrangements arising from the injury and death of HOLLOWAY, SR.;

C. Expenses related to all medical care rendered to Decedent as a result of the subject drowning; and

D. Any and all other damages as specified in F.S. 768.21.

WHEREFORE, the Plaintiff sues the Defendant and demands judgment for damages exclusive of attorney's fees, costs, and interest against them in an amount in excess of the jurisdictional limits of this Court.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury of all issues triable as of right by jury.

DATED THIS 1st Day of September, 2026.

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was electronically served via Florida ePortal to all counsels of record on this 1st day of September, 2026.