

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

GENERAL JURISDICTION DIVISION
CASE NO.:

SUSAN KUNITSKY, as Personal
Representative of the Estate of
PATRICK HURLBURT, deceased,

Plaintiff,

vs.

BROWARD ROAD OWNER, LLC,
a Foreign Limited Liability Company,

BROWARD ROAD JV, LLC,
a Foreign Limited Liability Company,

FEDERAL CAPITAL PARTNERS, LLC,
a Foreign Limited Liability Company,

SPRINGER CAPITAL, LLC,
a Foreign Limited Liability Company, and

CUSHMAN & WAKEFIELD OF FLORIDA, LLC,
a Florida Limited Liability Company,

Defendants.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, SUSAN KUNITSKY, as Personal Representative of the Estate of PATRICK HURLBURT, deceased, by and through undersigned counsel, and hereby sues Defendants, BROWARD ROAD OWNER, LLC, a Foreign Limited Liability Company, BROWARD ROAD JV, LLC, a Foreign Limited Liability Company, FEDERAL CAPITAL PARTNERS, LLC, a Foreign Limited Liability Company, SPRINGER CAPITAL, LLC, a Foreign Limited Liability Company, and CUSHMAN & WAKEFIELD OF FLORIDA, LLC, a Florida Limited Liability Company, and alleges as follows:

ALLEGATIONS AS TO ALL COUNTS

1. This is an action for damages in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of interest, costs, and attorney's fees, and is being brought pursuant to the Florida Wrongful Death Act, Fla. Stat. § 768.16, et seq.

2. Plaintiff, SUSAN KUNITSKY, is the duly appointed, qualified, and acting Personal Representative of the Estate of PATRICK HURLBURT, and is the proper individual and party to bring this action.

3. Plaintiff, SUSAN KUNITSKY, is Plaintiff's decedent's maternal grandmother and is *sui juris*.

4. At the time of the subject incident, Plaintiff's decedent, PATRICK HURLBURT, resided at the subject premises (defined below) in Duval County, Florida.

5. The statutory survivors of Plaintiff's decedent are his natural parents, Rhiannon McKinney and Joshua Hurlburt.

6. At all material times, Defendant, BROWARD ROAD OWNER, LLC, was a foreign limited liability company authorized to do and doing business in the State of Florida, with a principal address of 4445 Willard Avenue, Suite 900, Chevy Chase, Maryland 20815.

7. At all material times, Defendant, BROWARD ROAD OWNER, LLC, owned, operated, managed, maintained, and/or controlled the residential apartment complex (including its common areas) located at 800-900 Broward Road, Jacksonville, Florida 32218, which at the time of the subject incident was known and operated as "The Marley at Trout River Apartments" (the "Subject Premises").

8. At all material times, Defendant, BROWARD ROAD JV, LLC, was a foreign limited liability company doing business in the State of Florida, with a principal address of 4445 Willard Avenue, Suite 900, Chevy Chase, Maryland 20815.

9. At all material times, Defendant, BROWARD ROAD JV, LLC, directly and/or through its subsidiaries, affiliates, and joint ventures, including but not limited to Defendant BROWARD ROAD OWNER, LLC, owned, operated, managed, maintained, and/or controlled the Subject Premises.

10. At all material times, Defendant, FEDERAL CAPITAL PARTNERS, LLC, was a foreign limited liability company doing business in the State of Florida, with a principal address of 4445 Willard Avenue, Suite 900, Chevy Chase, Maryland 20815.

11. At all material times, Defendant, FEDERAL CAPITAL PARTNERS, LLC, directly and/or through its subsidiaries, affiliates, and joint ventures, including but not limited to Defendant BROWARD ROAD OWNER, LLC, owned, operated, managed, maintained, and/or controlled the Subject Premises.

12. At all material times, Defendant, SPRINGER CAPITAL, LLC, was an Illinois limited liability company doing business in the State of Florida, with a principal address of 978 County Road 1500 N, Metamora, Illinois 61548.

13. At all material times, Defendant, SPRINGER CAPITAL, LLC, directly and/or through its subsidiaries, affiliates, and joint ventures, including but not limited Defendant BROWARD ROAD OWNER, LLC, owned, operated, managed, maintained, and/or controlled the Subject Premises.

14. Upon information and belief, the sole member and manager of Defendant BROWARD ROAD OWNER, LLC is Defendant BROWARD ROAD JV, LLC, a joint venture

entity formed by and between Defendants FEDERAL CAPITAL PARTNERS, LLC and SPRINGER CAPITAL, LLC for the purpose of acquiring, owning, and operating the Subject Premises. At all material times, Defendants FEDERAL CAPITAL PARTNERS, LLC and SPRINGER CAPITAL, LLC exercised control over the ownership, operation, management, budgeting, and security of the Subject Premises, including decisions regarding whether to fund and implement security measures at the Subject Premises, both directly and through their ownership, control and management of Defendants BROWARD ROAD OWNER, LLC is Defendant BROWARD ROAD JV, LLC. Defendants BROWARD ROAD OWNER, LLC, BROWARD ROAD JV, LLC, FEDERAL CAPITAL PARTNERS, LLC, and SPRINGER CAPITAL, LLC are referred to collectively herein as the “Ownership Defendants.”

15. At all material times, Defendant, CUSHMAN & WAKEFIELD OF FLORIDA, LLC, was a Florida limited liability company authorized to do and doing business in the State of Florida, with a principal address of 333 SE 2nd Avenue, Suite 3900, Miami, Florida 33131.

16. At all material times, Defendant, CUSHMAN & WAKEFIELD OF FLORIDA, LLC, as the property manager of the Subject Premises, operated, managed, maintained, and/or controlled the apartment complex (including its common areas) located at 800-900 Broward Road, Jacksonville, Florida 32218.

17. At all material times, the Ownership Defendants were responsible and vicariously liable for the acts and omissions of their agents, employees, representatives, and/or servants, including but not limited to any property management company they hired to manage the Subject Premises, including but not limited to Defendant CUSHMAN & WAKEFIELD OF FLORIDA, LLC.

18. At all material times, Defendants, BROWARD ROAD OWNER, LLC, BROWARD ROAD JV, LLC, FEDERAL CAPITAL PARTNERS, LLC, SPRINGER CAPITAL, LLC, and CUSHMAN & WAKEFIELD OF FLORIDA, LLC, were responsible and vicariously liable for the acts and omissions of their agents, employees, representatives, and/or servants, including any security guard or security guard company they hired or retained to provide security at the Subject Premises.

19. This Court has personal jurisdiction over each Defendant pursuant to Fla. Stat. § 48.193(1)(a) because each Defendant, personally or through an agent, operated, conducted, engaged in, or carried on a business or business venture in this state; committed a tortious act within this state; and/or owned, used, possessed, or held an interest in real property within this state, namely the Subject Premises, and the causes of action alleged herein arise from those acts.

PRIOR NOTICE OF VIOLENT CRIME AT THE SUBJECT PREMISES

20. Prior to the Ownership Defendants' acquisition of the Subject Premises, the apartment complex was known as the "Water's Edge Apartments" and was owned, operated, and/or managed by other unrelated entities.

21. On or about October 2, 2021, Marvin Gay Ousley, Jr. was shot and killed while upon the Subject Premises.

22. On March 20, 2023, the Personal Representative of the Estate of Marvin Gay Ousley, Jr. filed a wrongful death action in this Court arising from his shooting death at the subject premises, styled *Consuelo Hartley, as Personal Representative of the Estate of Marvin Gay Ousley, Jr. v. Waters Edge Jacksonville, LLC, et al.*, Case No. 2023-CA-002984, alleging, among other things, that numerous violent prior criminal acts, including shootings, aggravated assaults, batteries, and robberies, had occurred at the Subject Premises and that adequate security had not

been provided. That action, and the history of violent crime at the Subject Premises, were a matter of public record.

23. In June 2023, Defendant BROWARD ROAD OWNER, LLC registered with the Florida Department of State to transact business in Florida, and in or about July 2023, the Ownership Defendants acquired the Subject Premises — after the shooting death of Marvin Gay Ousley, Jr., after the filing of the lawsuit arising from his death, and after the history of violent crime at the subject premises had been documented and made a matter of public record.

24. At the time of the acquisition, the Ownership Defendants, through the due diligence conducted in purchasing the Subject Premises, knew, or in the exercise of reasonable care should have known, of the shooting death of Marvin Gay Ousley, Jr., the litigation arising from his death, and the history of violent crime at the subject premises and areas adjacent thereto.

25. Between January 1, 2021 and February 12, 2026, the Jacksonville Sheriff's Office was called to the subject premises over one thousand nine hundred (1,900) times, more than once per day for over five years. These calls include: five (5) calls for a person shot; twenty-two (22) calls for the discharging of firearms; thirty-five (35) calls for armed disputes, armed assaults, armed suspicious persons, and disturbances involving weapons; more than one hundred forty (140) calls for assaults, batteries, and fights; and seventy-four (74) burglaries.

26. On January 10, 2026, at approximately 9:31 p.m., thirty-four (34) days before the subject incident, the Jacksonville Sheriff's Office responded to a call for a person shot at the Subject Premises, and dispatched its Crime Scene Unit to the scene.

27. Upon information and belief, in the approximately thirty-one (31) months between the Ownership Defendants' acquisition of the Subject Premises and the subject incident, Defendants did not implement any meaningful security measures at the Subject Premises,

including but not limited to access control, surveillance cameras, manned security, a security or threat assessment, or warnings to residents and invitees regarding the history of violent crime at the Subject Premises.

28. At the time and date of the subject incident, Plaintiff's decedent, PATRICK HURLBURT, was a resident and lawful invitee at the Subject Premises, which is the location of the subject incident (as described in the following paragraph).

29. On or about February 13, 2026, Plaintiff's decedent, PATRICK HURLBURT, was shot and killed while upon the Subject Premises.

30. Venue is proper in this Court because, inter alia, the incident giving rise to the claims within this Complaint occurred within Duval County, Florida.

COUNT I
NEGLIGENCE CLAIM AGAINST BROWARD ROAD OWNER, LLC

31. The Plaintiff readopts and re-alleges all allegations contained in Paragraphs 1–30.

32. At all material times, Defendant, through its agents and employees, owed a duty to the residents and invitees of the Subject Premises to exercise reasonable and ordinary care to keep and maintain the premises and its common areas in a reasonably safe condition. In particular, Defendant had a duty to take such precautions as were reasonably necessary to protect residents and invitees, including Plaintiff's decedent, PATRICK HURLBURT, from reasonably foreseeable criminal attacks.

33. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that the Subject Premises and areas adjacent thereto were in a high-crime area. Moreover, at all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that prior to the date of the subject incident numerous violent criminal acts including, but not limited to, homicides,

shootings, aggravated assaults, batteries, and robberies had occurred at the Subject Premises and areas adjacent thereto and attacks were reasonably likely to be perpetrated on residents and invitees unless Defendant took steps to provide proper security for such individuals.

34. Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including Plaintiff's decedent, PATRICK HURLBURT, had it within their power to take the measures necessary to provide for their own security on the premises.

35. In light of the foregoing, at all material times, the criminal attack and shooting of Plaintiff's decedent, PATRICK HURLBURT, was reasonably foreseeable and Defendant was in a superior position to appreciate such hazards and take necessary steps to prevent such harm.

36. Defendant, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and invitees of the Subject Premises, including Plaintiff's decedent, PATRICK HURLBURT, and acted in a careless and negligent manner through the following acts of omission or commission:

- A. Failing to provide adequate security for residents, invitees, and the public;
- B. Failing to warn residents, invitees, and the public of the nature and character of its premises when it knew or in the exercise of reasonable care should have known that numerous criminal incidents, including ones of a similar nature to the one at issue, had occurred on the Subject Premises and areas adjacent thereto prior to the date of the subject incident;
- C. Failing to warn, protect, guard, and secure the safety of residents, invitees, and the public;
- D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for residents, invitees, and the public;
- E. Failing to hire and/or retain adequate security personnel to patrol and/or monitor the premises;

- F. Failing to have a sufficient number of guards in visible areas to deter crime;
- G. Failing to have an adequate number of security guards to protect residents, invitees, and the public;
- H. Failing to hire and/or retain competent security guards to protect residents, invitees, and the public;
- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect residents, invitees, and the public;
- J. Failing to provide proper and sufficient lighting for the complex;
- K. Failing to have surveillance cameras throughout the complex;
- L. Failing to have an adequate number of surveillance cameras at the premises and surrounding areas, including, but not limited to, the area where the subject incident occurred;
- M. Failing to position surveillance cameras in appropriate locations such that said cameras would act as a deterrent against criminal activity within the community;
- N. Failing to have and/or maintain surveillance cameras in working condition such that every camera was able to monitor and record activity in its line of view;
- O. Failing to maintain physical access control measures to keep unauthorized individuals and criminals off the property;
- P. Failing to implement adequate security policies, security measures, and security procedures necessary to protect residents, invitees, and the public;
- Q. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- R. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in the community;
- S. Failing to provide a reasonably safe structural layout of the property upon taking control of the community and its common areas;
- T. Failing to provide security gates/access control to the community;

- U. Failing to conduct a crime prevention through environmental design (CPTED) assessment or other security assessment of the subject premises, and failing to implement the recommendations of any such assessment;
- V. Failing to implement any security measures upon assuming ownership, operation, and/or management of the subject premises despite knowledge of the prior homicide and history of violent crime at the subject premises;
- W. The preceding paragraphs “A” through “V”, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar businesses and properties in the local community;
- X. Additional acts of negligence not yet discovered.

37. Defendant, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative, Defendant did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented said procedures in a careless and negligent manner.

38. At all material times, Defendant, through its agents and employees, negligently failed to hire persons, employees, and/or agents reasonably suited for providing, implementing, and maintaining proper security measures to ensure the safety of the complex’s residents, invitees, and the public.

39. Defendant, through its agents and employees, created and/or allowed to be created said dangerous conditions on the Subject Premises. Further, Defendant failed to warn the residents, invitees, and the public of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a length of time in which a reasonable inspection would have disclosed same.

40. The negligence of Defendant proximately caused the death of Plaintiff's decedent, PATRICK HURLBURT, and directly led to his criminal attack in that:

- A. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- B. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- C. Criminals could carry out physical assaults within the community without fear of being caught, discovered, or prosecuted; or
- D. An atmosphere was created at the community that facilitated the commission of crimes against persons.

41. As a direct and proximate result of the Defendant's negligence, Plaintiff's decedent, PATRICK HURLBURT, suffered great bodily harm on February 13, 2026, from an assault on the above-referenced premises, which caused his death.

42. The Estate of PATRICK HURLBURT and Plaintiff's decedent's surviving parents have suffered and will continue to suffer damages into the future as authorized and allowed under the Florida Wrongful Death Act, Fla. Stat. § 768.16, et seq. This includes, but is not limited to, the following:

- A. The past and future mental pain and suffering of all survivors;
- B. The past and future loss of support and services to all survivors;
- C. The past and future cost of therapy and mental health treatment for all survivors resulting from the death of Plaintiff's decedent;
- D. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that the survivors would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- E. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiff's decedent;
- F. The prospective net accumulations of the Estate of PATRICK HURLBURT; and

G. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiff, SUSAN KUNITSKY, as Personal Representative of the Estate of PATRICK HURLBURT, sues Defendant, BROWARD ROAD OWNER, LLC, and demands trial by jury and judgment against it for damages exclusive of attorney fees, costs and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT II
NEGLIGENCE CLAIM AGAINST BROWARD ROAD JV, LLC

43. The Plaintiff readopts and re-alleges all allegations contained in Paragraphs 1–30.

44. At all material times, Defendant, through its agents and employees, owed a duty to the residents and invitees of the Subject Premises to exercise reasonable and ordinary care to keep and maintain the premises and its common areas in a reasonably safe condition. In particular, Defendant had a duty to take such precautions as were reasonably necessary to protect residents and invitees, including Plaintiff's decedent, PATRICK HURLBURT, from reasonably foreseeable criminal attacks.

45. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that the Subject Premises and areas adjacent thereto were in a high-crime area. Moreover, at all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that prior to the date of the subject incident numerous violent criminal acts including, but not limited to, homicides, shootings, aggravated assaults, batteries, and robberies had occurred at the Subject Premises and areas adjacent thereto and attacks were reasonably likely to be perpetrated on residents and invitees unless Defendant took steps to provide proper security for such individuals.

46. Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including Plaintiff's decedent, PATRICK

HURLBURT, had it within their power to take the measures necessary to provide for their own security on the premises.

47. In light of the foregoing, at all material times, the criminal attack and shooting of Plaintiff's decedent, PATRICK HURLBURT, was reasonably foreseeable and Defendant was in a superior position to appreciate such hazards and take necessary steps to prevent such harm.

48. Defendant, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and invitees of the Subject Premises, including Plaintiff's decedent, PATRICK HURLBURT, and acted in a careless and negligent manner through the following acts of omission or commission:

- A. Failing to provide adequate security for residents, invitees, and the public;
- B. Failing to warn residents, invitees, and the public of the nature and character of its premises when it knew or in the exercise of reasonable care should have known that numerous criminal incidents, including ones of a similar nature to the one at issue, had occurred on the Subject Premises and areas adjacent thereto prior to the date of the subject incident;
- C. Failing to warn, protect, guard, and secure the safety of residents, invitees, and the public;
- D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for residents, invitees, and the public;
- E. Failing to hire and/or retain adequate security personnel to patrol and/or monitor the premises;
- F. Failing to have a sufficient number of guards in visible areas to deter crime;
- G. Failing to have an adequate number of security guards to protect residents, invitees, and the public;
- H. Failing to hire and/or retain competent security guards to protect residents, invitees, and the public;

- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect residents, invitees, and the public;
- J. Failing to provide proper and sufficient lighting for the complex;
- K. Failing to have surveillance cameras throughout the complex;
- L. Failing to have an adequate number of surveillance cameras at the premises and surrounding areas, including, but not limited to, the area where the subject incident occurred;
- M. Failing to position surveillance cameras in appropriate locations such that said cameras would act as a deterrent against criminal activity within the community;
- N. Failing to have and/or maintain surveillance cameras in working condition such that every camera was able to monitor and record activity in its line of view;
- O. Failing to maintain physical access control measures to keep unauthorized individuals and criminals off the property;
- P. Failing to implement adequate security policies, security measures, and security procedures necessary to protect residents, invitees, and the public;
- Q. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- R. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in the community;
- S. Failing to provide a reasonably safe structural layout of the property upon taking control of the community and its common areas;
- T. Failing to provide security gates/access control to the community;
- U. Failing to conduct a crime prevention through environmental design (CPTED) assessment or other security assessment of the subject premises, and failing to implement the recommendations of any such assessment;
- V. Failing to implement any security measures upon assuming ownership, operation, and/or management of the subject premises despite knowledge of the prior homicide and history of violent crime at the subject premises;

- W. The preceding paragraphs “A” through “V”, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar businesses and properties in the local community;
- X. Additional acts of negligence not yet discovered.

49. Defendant, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative, Defendant did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented said procedures in a careless and negligent manner.

50. At all material times, Defendant, through its agents and employees, negligently failed to hire persons, employees, and/or agents reasonably suited for providing, implementing, and maintaining proper security measures to ensure the safety of the complex’s residents, invitees, and the public.

51. Defendant, through its agents and employees, created and/or allowed to be created said dangerous conditions on the Subject Premises. Further, Defendant failed to warn the residents, invitees, and the public of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a length of time in which a reasonable inspection would have disclosed same.

52. The negligence of Defendant proximately caused the death of Plaintiff’s decedent, PATRICK HURLBURT, and directly led to his criminal attack in that:

- A. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- B. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- C. Criminals could carry out physical assaults within the community without fear of being caught, discovered, or prosecuted; or

- D. An atmosphere was created at the community that facilitated the commission of crimes against persons.

53. As a direct and proximate result of the Defendant's negligence, Plaintiff's decedent, PATRICK HURLBURT, suffered great bodily harm on February 13, 2026, from an assault on the above-referenced premises, which caused his death.

54. The Estate of PATRICK HURLBURT and Plaintiff's decedent's surviving parents have suffered and will continue to suffer damages into the future as authorized and allowed under the Florida Wrongful Death Act, Fla. Stat. § 768.16, et seq. This includes, but is not limited to, the following:

- A. The past and future mental pain and suffering of all survivors;
- B. The past and future loss of support and services to all survivors;
- C. The past and future cost of therapy and mental health treatment for all survivors resulting from the death of Plaintiff's decedent;
- D. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that the survivors would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- E. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiff's decedent;
- F. The prospective net accumulations of the Estate of PATRICK HURLBURT; and
- G. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiff, SUSAN KUNITSKY, as Personal Representative of the Estate of PATRICK HURLBURT, sues Defendant, BROWARD ROAD JV, LLC, and demands trial by jury and judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT III
NEGLIGENCE CLAIM AGAINST FEDERAL CAPITAL PARTNERS, LLC

55. The Plaintiff readopts and re-alleges all allegations contained in Paragraphs 1–30.

56. At all material times, Defendant, through its agents and employees, owed a duty to the residents and invitees of the Subject Premises to exercise reasonable and ordinary care to keep and maintain the premises and its common areas in a reasonably safe condition. In particular, Defendant had a duty to take such precautions as were reasonably necessary to protect residents and invitees, including Plaintiff's decedent, PATRICK HURLBURT, from reasonably foreseeable criminal attacks.

57. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that the Subject Premises and areas adjacent thereto were in a high-crime area. Moreover, at all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that prior to the date of the subject incident numerous violent criminal acts including, but not limited to, homicides, shootings, aggravated assaults, batteries, and robberies had occurred at the Subject Premises and areas adjacent thereto and attacks were reasonably likely to be perpetrated on residents and invitees unless Defendant took steps to provide proper security for such individuals.

58. Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including Plaintiff's decedent, PATRICK HURLBURT, had it within their power to take the measures necessary to provide for their own security on the premises.

59. In light of the foregoing, at all material times, the criminal attack and shooting of Plaintiff's decedent, PATRICK HURLBURT, was reasonably foreseeable and Defendant was in a superior position to appreciate such hazards and take necessary steps to prevent such harm.

60. Defendant, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and invitees of the Subject Premises, including Plaintiff's decedent, PATRICK HURLBURT, and acted in a careless and negligent manner through the following acts of omission or commission:

- A. Failing to provide adequate security for residents, invitees, and the public;
- B. Failing to warn residents, invitees, and the public of the nature and character of its premises when it knew or in the exercise of reasonable care should have known that numerous criminal incidents, including ones of a similar nature to the one at issue, had occurred on the Subject Premises and areas adjacent thereto prior to the date of the subject incident;
- C. Failing to warn, protect, guard, and secure the safety of residents, invitees, and the public;
- D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for residents, invitees, and the public;
- E. Failing to hire and/or retain adequate security personnel to patrol and/or monitor the premises;
- F. Failing to have a sufficient number of guards in visible areas to deter crime;
- G. Failing to have an adequate number of security guards to protect residents, invitees, and the public;
- H. Failing to hire and/or retain competent security guards to protect residents, invitees, and the public;
- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect residents, invitees, and the public;
- J. Failing to provide proper and sufficient lighting for the complex;
- K. Failing to have surveillance cameras throughout the complex;
- L. Failing to have an adequate number of surveillance cameras at the premises and surrounding areas, including, but not limited to, the area where the subject incident occurred;

- M. Failing to position surveillance cameras in appropriate locations such that said cameras would act as a deterrent against criminal activity within the community;
- N. Failing to have and/or maintain surveillance cameras in working condition such that every camera was able to monitor and record activity in its line of view;
- O. Failing to maintain physical access control measures to keep unauthorized individuals and criminals off the property;
- P. Failing to implement adequate security policies, security measures, and security procedures necessary to protect residents, invitees, and the public;
- Q. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- R. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in the community;
- S. Failing to provide a reasonably safe structural layout of the property upon taking control of the community and its common areas;
- T. Failing to provide security gates/access control to the community;
- U. Failing to conduct a crime prevention through environmental design (CPTED) assessment or other security assessment of the subject premises, and failing to implement the recommendations of any such assessment;
- V. Failing to implement any security measures upon assuming ownership, operation, and/or management of the subject premises despite knowledge of the prior homicide and history of violent crime at the subject premises;
- W. The preceding paragraphs "A" through "V", individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar businesses and properties in the local community;
- X. Additional acts of negligence not yet discovered.

61. Defendant, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative, Defendant did in fact have procedures governing the

inspection, supervision, and security of the area where the subject incident occurred, but implemented said procedures in a careless and negligent manner.

62. At all material times, Defendant, through its agents and employees, negligently failed to hire persons, employees, and/or agents reasonably suited for providing, implementing, and maintaining proper security measures to ensure the safety of the complex's residents, invitees, and the public.

63. Defendant, through its agents and employees, created and/or allowed to be created said dangerous conditions on the Subject Premises. Further, Defendant failed to warn the residents, invitees, and the public of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a length of time in which a reasonable inspection would have disclosed same.

64. The negligence of Defendant proximately caused the death of Plaintiff's decedent, PATRICK HURLBURT, and directly led to his criminal attack in that:

- A. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- B. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- C. Criminals could carry out physical assaults within the community without fear of being caught, discovered, or prosecuted; or
- D. An atmosphere was created at the community that facilitated the commission of crimes against persons.

65. As a direct and proximate result of the Defendant's negligence, Plaintiff's decedent, PATRICK HURLBURT, suffered great bodily harm on February 13, 2026, from an assault on the above-referenced premises, which caused his death.

66. The Estate of PATRICK HURLBURT and Plaintiff's decedent's surviving parents have suffered and will continue to suffer damages into the future as authorized and allowed under

the Florida Wrongful Death Act, Fla. Stat. § 768.16, et seq. This includes, but is not limited to, the following:

- A. The past and future mental pain and suffering of all survivors;
- B. The past and future loss of support and services to all survivors;
- C. The past and future cost of therapy and mental health treatment for all survivors resulting from the death of Plaintiff's decedent;
- D. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that the survivors would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- E. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiff's decedent;
- F. The prospective net accumulations of the Estate of PATRICK HURLBURT; and
- G. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiff, SUSAN KUNITSKY, as Personal Representative of the Estate of PATRICK HURLBURT, sues Defendant, FEDERAL CAPITAL PARTNERS, LLC, and demands trial by jury and judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT IV
NEGLIGENCE CLAIM AGAINST SPRINGER CAPITAL, LLC

67. The Plaintiff readopts and re-alleges all allegations contained in Paragraphs 1–30.

68. At all material times, Defendant, through its agents and employees, owed a duty to the residents and invitees of the Subject Premises to exercise reasonable and ordinary care to keep and maintain the premises and its common areas in a reasonably safe condition. In particular, Defendant had a duty to take such precautions as were reasonably necessary to protect residents

and invitees, including Plaintiff's decedent, PATRICK HURLBURT, from reasonably foreseeable criminal attacks.

69. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that the Subject Premises and areas adjacent thereto were in a high-crime area. Moreover, at all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that prior to the date of the subject incident numerous violent criminal acts including, but not limited to, homicides, shootings, aggravated assaults, batteries, and robberies had occurred at the Subject Premises and areas adjacent thereto and attacks were reasonably likely to be perpetrated on residents and invitees unless Defendant took steps to provide proper security for such individuals.

70. Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including Plaintiff's decedent, PATRICK HURLBURT, had it within their power to take the measures necessary to provide for their own security on the premises.

71. In light of the foregoing, at all material times, the criminal attack and shooting of Plaintiff's decedent, PATRICK HURLBURT, was reasonably foreseeable and Defendant was in a superior position to appreciate such hazards and take necessary steps to prevent such harm.

72. Defendant, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and invitees of the Subject Premises, including Plaintiff's decedent, PATRICK HURLBURT, and acted in a careless and negligent manner through the following acts of omission or commission:

- A. Failing to provide adequate security for residents, invitees, and the public;
- B. Failing to warn residents, invitees, and the public of the nature and character of its premises when it knew or in the exercise of reasonable

care should have known that numerous criminal incidents, including ones of a similar nature to the one at issue, had occurred on the Subject Premises and areas adjacent thereto prior to the date of the subject incident;

- C. Failing to warn, protect, guard, and secure the safety of residents, invitees, and the public;
- D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for residents, invitees, and the public;
- E. Failing to hire and/or retain adequate security personnel to patrol and/or monitor the premises;
- F. Failing to have a sufficient number of guards in visible areas to deter crime;
- G. Failing to have an adequate number of security guards to protect residents, invitees, and the public;
- H. Failing to hire and/or retain competent security guards to protect residents, invitees, and the public;
- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect residents, invitees, and the public;
- J. Failing to provide proper and sufficient lighting for the complex;
- K. Failing to have surveillance cameras throughout the complex;
- L. Failing to have an adequate number of surveillance cameras at the premises and surrounding areas, including, but not limited to, the area where the subject incident occurred;
- M. Failing to position surveillance cameras in appropriate locations such that said cameras would act as a deterrent against criminal activity within the community;
- N. Failing to have and/or maintain surveillance cameras in working condition such that every camera was able to monitor and record activity in its line of view;
- O. Failing to maintain physical access control measures to keep unauthorized individuals and criminals off the property;

- P. Failing to implement adequate security policies, security measures, and security procedures necessary to protect residents, invitees, and the public;
- Q. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- R. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in the community;
- S. Failing to provide a reasonably safe structural layout of the property upon taking control of the community and its common areas;
- T. Failing to provide security gates/access control to the community;
- U. Failing to conduct a crime prevention through environmental design (CPTED) assessment or other security assessment of the subject premises, and failing to implement the recommendations of any such assessment;
- V. Failing to implement any security measures upon assuming ownership, operation, and/or management of the subject premises despite knowledge of the prior homicide and history of violent crime at the subject premises;
- W. The preceding paragraphs “A” through “V”, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar businesses and properties in the local community;
- X. Additional acts of negligence not yet discovered.

73. Defendant, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative, Defendant did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented said procedures in a careless and negligent manner.

74. At all material times, Defendant, through its agents and employees, negligently failed to hire persons, employees, and/or agents reasonably suited for providing, implementing,

and maintaining proper security measures to ensure the safety of the complex's residents, invitees, and the public.

75. Defendant, through its agents and employees, created and/or allowed to be created said dangerous conditions on the Subject Premises. Further, Defendant failed to warn the residents, invitees, and the public of the existence of said dangerous conditions; or in the alternative, did allow said dangerous conditions to exist for a length of time in which a reasonable inspection would have disclosed same.

76. The negligence of Defendant proximately caused the death of Plaintiff's decedent, PATRICK HURLBURT, and directly led to his criminal attack in that:

- A. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- B. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- C. Criminals could carry out physical assaults within the community without fear of being caught, discovered, or prosecuted; or
- D. An atmosphere was created at the community that facilitated the commission of crimes against persons.

77. As a direct and proximate result of the Defendant's negligence, Plaintiff's decedent, PATRICK HURLBURT, suffered great bodily harm on February 13, 2026, from an assault on the above-referenced premises, which caused his death.

78. The Estate of PATRICK HURLBURT and Plaintiff's decedent's surviving parents have suffered and will continue to suffer damages into the future as authorized and allowed under the Florida Wrongful Death Act, Fla. Stat. § 768.16, et seq. This includes, but is not limited to, the following:

- A. The past and future mental pain and suffering of all survivors;
- B. The past and future loss of support and services to all survivors;

- C. The past and future cost of therapy and mental health treatment for all survivors resulting from the death of Plaintiff's decedent;
- D. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that the survivors would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;
- E. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiff's decedent;
- F. The prospective net accumulations of the Estate of PATRICK HURLBURT; and
- G. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiff, SUSAN KUNITSKY, as Personal Representative of the Estate of PATRICK HURLBURT, sues Defendant, SPRINGER CAPITAL, LLC, and demands trial by jury and judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT V
NEGLIGENCE CLAIM AGAINST CUSHMAN & WAKEFIELD OF FLORIDA, LLC

79. The Plaintiff readopts and re-alleges all allegations contained in Paragraphs 1–30.

80. At all material times, Defendant, through its agents and employees, owed a duty to the residents and invitees of the Subject Premises to exercise reasonable and ordinary care to keep and maintain the premises and its common areas in a reasonably safe condition. In particular, Defendant had a duty to take such precautions as were reasonably necessary to protect residents and invitees, including Plaintiff's decedent, PATRICK HURLBURT, from reasonably foreseeable criminal attacks.

81. At all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that the Subject Premises and areas adjacent thereto

were in a high-crime area. Moreover, at all material times, Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that prior to the date of the subject incident numerous violent criminal acts including, but not limited to, homicides, shootings, aggravated assaults, batteries, and robberies had occurred at the Subject Premises and areas adjacent thereto and attacks were reasonably likely to be perpetrated on residents and invitees unless Defendant took steps to provide proper security for such individuals.

82. Defendant, through its agents and employees, knew or in the exercise of reasonable care should have known that no individual, including Plaintiff's decedent, PATRICK HURLBURT, had it within their power to take the measures necessary to provide for their own security on the premises.

83. In light of the foregoing, at all material times, the criminal attack and shooting of Plaintiff's decedent, PATRICK HURLBURT, was reasonably foreseeable and Defendant was in a superior position to appreciate such hazards and take necessary steps to prevent such harm.

84. Defendant, by and through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of residents and invitees of the Subject Premises, including Plaintiff's decedent, PATRICK HURLBURT, and acted in a careless and negligent manner through the following acts of omission or commission:

- A. Failing to provide adequate security for residents, invitees, and the public;
- B. Failing to warn residents, invitees, and the public of the nature and character of its premises when it knew or in the exercise of reasonable care should have known that numerous criminal incidents, including ones of a similar nature to the one at issue, had occurred on the Subject Premises and areas adjacent thereto prior to the date of the subject incident;
- C. Failing to warn, protect, guard, and secure the safety of residents, invitees, and the public;

- D. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for residents, invitees, and the public;
- E. Failing to hire and/or retain adequate security personnel to patrol and/or monitor the premises;
- F. Failing to have a sufficient number of guards in visible areas to deter crime;
- G. Failing to have an adequate number of security guards to protect residents, invitees, and the public;
- H. Failing to hire and/or retain competent security guards to protect residents, invitees, and the public;
- I. Failing to properly train security guards to be reasonably skillful, competent, and/or qualified to exercise appropriate and proper security measures so that they could protect residents, invitees, and the public;
- J. Failing to provide proper and sufficient lighting for the complex;
- K. Failing to have surveillance cameras throughout the complex;
- L. Failing to have an adequate number of surveillance cameras at the premises and surrounding areas, including, but not limited to, the area where the subject incident occurred;
- M. Failing to position surveillance cameras in appropriate locations such that said cameras would act as a deterrent against criminal activity within the community;
- N. Failing to have and/or maintain surveillance cameras in working condition such that every camera was able to monitor and record activity in its line of view;
- O. Failing to maintain physical access control measures to keep unauthorized individuals and criminals off the property;
- P. Failing to implement adequate security policies, security measures, and security procedures necessary to protect residents, invitees, and the public;
- Q. Failing to take additional security measures after being put on notice that the security measures in force were inadequate;
- R. Failing to adequately provide an overall security plan that would meet the known industry standards and customs for safety in the community;

- S. Failing to provide a reasonably safe structural layout of the property upon taking control of the community and its common areas;
- T. Failing to provide security gates/access control to the community;
- U. Failing to conduct a crime prevention through environmental design (CPTED) assessment or other security assessment of the subject premises, and failing to implement the recommendations of any such assessment;
- V. Failing to implement any security measures upon assuming ownership, operation, and/or management of the subject premises despite knowledge of the prior homicide and history of violent crime at the subject premises;
- W. The preceding paragraphs “A” through “V”, individually and/or as a whole, represent strict deviations from the existing standard of care with regard to security as recognized by similar businesses and properties in the local community;
- X. Additional acts of negligence not yet discovered.

85. Defendant, through its agents and employees, negligently failed to have any procedures governing the inspection, supervision, and/or security of the area where the subject incident occurred; or in the alternative, Defendant did in fact have procedures governing the inspection, supervision, and security of the area where the subject incident occurred, but implemented said procedures in a careless and negligent manner.

86. At all material times, Defendant, through its agents and employees, negligently failed to hire persons, employees, and/or agents reasonably suited for providing, implementing, and maintaining proper security measures to ensure the safety of the complex’s residents, invitees, and the public.

87. Defendant, through its agents and employees, created and/or allowed to be created said dangerous conditions on the Subject Premises. Further, Defendant failed to warn the residents, invitees, and the public of the existence of said dangerous conditions; or in the alternative, did

allow said dangerous conditions to exist for a length of time in which a reasonable inspection would have disclosed same.

88. The negligence of Defendant proximately caused the death of Plaintiff's decedent, PATRICK HURLBURT, and directly led to his criminal attack in that:

- A. There was inadequate and/or nonexistent visible deterrence to prevent said criminal assault;
- B. There was inadequate and/or nonexistent physical deterrence to prevent said criminal assault;
- C. Criminals could carry out physical assaults within the community without fear of being caught, discovered, or prosecuted; or
- D. An atmosphere was created at the community that facilitated the commission of crimes against persons.

89. As a direct and proximate result of the Defendant's negligence, Plaintiff's decedent, PATRICK HURLBURT, suffered great bodily harm on February 13, 2026, from an assault on the above-referenced premises, which caused his death.

90. The Estate of PATRICK HURLBURT and Plaintiff's decedent's surviving parents have suffered and will continue to suffer damages into the future as authorized and allowed under the Florida Wrongful Death Act, Fla. Stat. § 768.16, et seq. This includes, but is not limited to, the following:

- A. The past and future mental pain and suffering of all survivors;
- B. The past and future loss of support and services to all survivors;
- C. The past and future cost of therapy and mental health treatment for all survivors resulting from the death of Plaintiff's decedent;
- D. Loss of the care, maintenance, support, services, companionship, advice, counsel, inheritance and other reasonable contributions of pecuniary and non-pecuniary value that the survivors would have otherwise received during Plaintiff's decedent's life had it not been for his untimely, tragic and wrongful death;

- E. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiff's decedent;
- F. The prospective net accumulations of the Estate of PATRICK HURLBURT; and
- G. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiff, SUSAN KUNITSKY, as Personal Representative of the Estate of PATRICK HURLBURT, sues Defendant, CUSHMAN & WAKEFIELD OF FLORIDA, LLC, and demands trial by jury and judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

DEMAND FOR JURY TRIAL

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

DATED: October 27, 2026

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