

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT, IN AND
FOR PALM BEACH COUNTY, FLORIDA

CASE NO:

DANIELVARONE and MELISSA VARONE, as
Co-Personal Representatives of the Estate of S.V.,
deceased, and DANIEL VARONE, DAVID
VARONE and SANDRA VARONE, as Co-
Personal Representatives of the Estate of LITHA
G. VARONE, deceased.

Plaintiffs,

vs.

PUBLIX SUPER MARKETS, INC., a Florida
for-profit Corporation,

Defendant.

_____ /

**COMPLAINT FOR DAMAGES
AND DEMAND FOR JURY TRIAL**

Plaintiffs, DANIELVARONE and MELISSA VARONE, as Co-Personal Representatives of the Estate of S.V., deceased, and DANIEL VARONE, DAVID VARONE and SANDRA VARONE, as Co-Personal Representatives of the Estate of LITHA G. VARONE, deceased, (hereinafter 'the Decedents'), sue Defendant, PUBLIX SUPER MARKETS, INC. (hereinafter PUBLIX), for damages, demands a trial by jury on all issues so triable, and further alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. This is an action for damages in excess of \$30,000.00 exclusive of costs and interest and otherwise within the jurisdiction of this Court.
2. Jurisdiction and venue are proper as all acts, omissions, and incidents giving rise to this action occurred in Palm Beach County, Florida.

THE PLAINTIFFS

3. At all times material, S.V. was a resident of Palm Beach County. DANIEL VARONE and MELISSA VARONE are, or will soon be appointed, Personal Representatives of the Estate of S.V..

4. DANIEL VARONE and MELISSA VARONE, individually are the natural parents of S.V.

5. At all times material, LITHA G. VARONE was a resident of Palm Beach County. DANIEL VARONE, DAVID VARONE and SANDRA VARONE are or will soon be appointed, Co- Personal Representatives of the Estate of LITHA G. VARONE.

6. DANIEL VARONE DAVID VARONE and SANDRA VARONE are the natural children of LITHA G. VARONE. LITHA G. VARONE was not married at the time that she was wrongfully killed.

7. Pursuant to the Florida Wrongful Death Act, Chapter 768, Florida Statutes, DANIEL VARONE and MELISSA VARONE, S.V.'s parents, are the statutory survivors of S.V. and are entitled to all damages under Chapter 768, Florida Statutes, for the wrongful death of the Decedent.

8. Pursuant to the Florida Wrongful Death Act, Chapter 768, Florida Statutes, DANIEL VARONE, DAVID VARONE and SANDRA VARONE are the statutory survivors of LITHA G. VARONE and are entitled to all damages under Chapter 768, Florida Statutes, for the wrongful death of the Decedent.

THE DEFENDANT

9. At all times material, Defendant PUBLIX was and is a Florida for profit corporation. The PUBLIX headquarters are located in Lakeland, FL. As of October of 2022, PUBLIX owned and operated over 800 supermarket stores in Florida alone.

10. PUBLIX's mission statement is "to be the premier quality food retailer in the world." Furthermore, PUBLIX promotes itself as a "team that protects its customers." PUBLIX claims to take its "responsibility for our customers' safety very seriously."

11. PUBLIX has over \$12 billion in annual sales and earns a net profit of over \$4 billion per year.

12. At all times material, Defendant PUBLIX owned, managed, controlled, possessed, and operated a grocery store called PUBLIX Super Market at The Crossroads at Royal Palm Beach located at 1180 Royal Palm Beach Blvd, Royal Palm Beach, FL 33411.

DUTY OF PUBLIX TO ITS CUSTOMERS

13. As the owner and operator of the PUBLIX at The Crossroads, PUBLIX has a duty to keep its store reasonably safe for its customers and to protect its customers from dangers of which PUBLIX should have been aware. PUBLIX also has a duty to take reasonable steps to eliminate or reduce danger to its customers.

14. Among the duties PUBLIX owes its customers is to protect them from foreseeable attacks by third parties.

15. All retail/grocery stores have a continuing obligation to conduct regular risk assessments for their properties. Then, following that assessment, there is a continuing obligation to come up with a security plan that provides for the safety and protection of customers.

16. Risk management is the identification, assessment, and prioritization of potential losses followed by the coordinated application of resources to minimize the probability or impact of these potential losses. Three types of risk management are possible: (1) avoid, eliminate, or reduce the risk, (2) assume or retain the risk, or (3) transfer the risk to a third party.

17. When a grocery store owner and operator, such as PUBLIX, doesn't take the reasonable steps necessary to provide protection from third party crime and someone gets hurt, PUBLIX is responsible for the harm that is caused.













HISTORY OF SUPERMARKET VIOLENCE

18. In 2020, the year before PUBLIX the tragic facts of this case, gun homicides in business locations rose 35%.

19. From January 1, 2020 to May 14th, 2022 there were a total of 448 incidents involving guns and 137 deaths involving 12 large national retailers.

GROCERY STORES AREN'T SAFE PLACES ANYMORE.

Between January 1, 2020 and the May 14, 2022 shooting at Tops Friendly Market in Buffalo, there were 448 incidents of gun violence in and around twelve of the nation's largest supermarket chains.

STORE/CHAIN	GUN INCIDENTS	GUN DEATHS
 Walmart	310	89
 Kroger	36	16
 FOOD LION	27	7
 SAFEWAY	22	7
 Publix	16	5
 ALDI	9	4
 ShopRite	7	3
 H-E-B	6	2
 meijer	5	0
 WHOLE FOODS	5	1
 COSTCO WHOLESALE	3	2
 STOP & SHOP	2	1

20. PUBLIX is not immune to gun violence occurring at its stores. During that time period, 16 of those incidents were at PUBLIX Stores resulting in 5 Gun deaths. This is consistent with what has been going on for a long time: active shooter events continue to expand.

21. Active shooter events have been a known risk at PUBLIX supermarkets for years before the incident that gives rise to this complaint.

22. The statistics show an estimated four gun incidents per week at large supermarket chains. FBI research reveals that 45.6% of active shooter events happen in commercial establishments, such as grocery stores and large supermarket chains.

23. PUBLIX knew, or should have known, that violence, including gun violence, at The Crossroads PUBLIX was a potential risk to its customers and to its employees.

24. PUBLIX has a continuing obligation to conduct a risk assessment for their properties, including updated security plans directed toward employee and customer safety.

CRIME AT THE PUBLIX AT THE CROSSROADS

25. The PUBLIX store at The Crossroads has a long history of crime in the area. The public police records reveal at least the following:

Case #: 18089180 1200 Block Royal Palm Beach Blvd
Date: June 22, 2018
Time: 2037 hours (8:37 p.m.)
Offense: Misdemeanor and Suspected Felony Narcotics (this case # 18089181)
Marijuana and Cocaine

Case #: 18092293 1100 Block Royal Palm Beach BLVD
Date: July 1, 2018

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

Time: 1523 hours (3:23 p.m.)
Offense: Possession of Marijuana (Misdemeanor)
Case #: 18103321 1208 Royal Palm Beach BLVD
Date: July 31, 2018 (1:45 p.m.)
Time: 1335 hours
Offense: Vandalism (FIREARMS Offense, shot(s) fired)

Case #: 18103512 Royal Palm Beach BLVD
Date: July 1, 2018
Time: 0105
Offense: Possession of Drug Paraphernalia (Misdemeanor)

Case#: 18114604 1250 Royal Palm Beach BLVD N/A Information Report
Suspicious Behavior

Case #: 18116153 1318 Royal Palm Beach BLVD N/A Trespassing Report

Case #: 20111116 1232 Royal Palm Beach BLVD
Date: September 27, 2020
Time: 0310 Hours (3:10 a.m.)
Offense: Burglary (Forced Entry)

Case #: 18142411 Inside PUBLIX Firearm and Child Abduction Report
Date: November 8, 2018
Time: 1010 hours (10:10 a.m.)
Offense: Attempted Child Abduction PUBLIX Plaza (Attempted Felonious Activity)

Case #: 18142666 Intersection of PUBLIX Plaza
Date: November 8, 2018
Time: 2008 hours (8:08 p.m.)
Offense: Traffic accident turned felonious activity Stolen Firearm, Assault on Peace Officer, Vandalism

Case #: 18149170 PUBLIX Plaza
Date: November 27, 2018
Time: 1522 hours (3:22 p.m.)
Offense: Trespassing

Case #: 18149666 Walgreens 1208 Royal Palm Beach BLVD
Date: November 28, 2018

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

Time: 1710 hours (5:10 p.m.)
Offense: Robbery – theft and threat of shooting the manager –
Case #: 18160353 PUBLIX Plaza Intersection
Date: December 28, 2018
Time: 0004 hours (12:04 a.m.)
Offense: Possession of Marijuana

Case #: 18161484 PUBLIX Plaza Intersection
Date: December 31, 2018
Time: 1202 hours (12:02 p.m.)
Offense: Misdemeanor and Felony Narcotics Marijuana and Cocaine / Possession
with intent to distribute marijuana

Case #: 19022091 PUBLIX Plaza Intersection
Date: January 3, 2019
Time: 1123 hours (11:23 a.m.)
Offense: Misdemeanor Possession of Marijuana

Case #: 19022544 Vicinity of PUBLIX Plaza Intersection
Date: January 5, 2019
Time: 0332 hours (3:32 a.m.)
Offense: Possession of Marijuana / Intent to Deliver / Possession of
Methamphetamine (Misdemeanor and Felony)

Case #: 19034579 Crossroads and PUBLIX Plaza
Date: February 7, 2019
Time: 1500 hours (3:00 p.m.)
Offense: Trespassing from Suspicious Person

Case #: 19037641 PUBLIX Plaza
Date: February 15, 2019
Time: 1352 hours (1:52 p.m.)
Offense: Suspicious Person (Loud Music) Trespassing)

Case #: 19042159 PUBLIX Parking Lot
Date: February 20, 2019
Time: 2130 hours (9:30 p.m.)
Offense: Stolen Florida Dealer Tag

Case #: 19045569 PUBLIX Parking Lot
Date: March 7, 2019

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

Time: 2212 hours (10:22 p.m.)
Offense: Theft,

Case #: 19052920 Walgreens Store, PUBLIX Parking Lot
Date: March 26, 2019
Time: 1833 hours (6:33 p.m.)
Offense: Grand Theft

Case #: 19060774 PUBLIX Store Date: April 17, 2019
Time: 1030 hours (10:30 a.m.)
Offense: Theft of Wallet

Case #: 19075613 Vicinity of PUBLIX
Date: May 27, 2019
Time: 1200 hours (12:00 p.m.)
Offense: Robbery of a Person

Case #: 19076377 PUBLIX Parking Lot near Jets Pizza
Date: May 29, 2019
Time: 1245 hours (12:45 p.m.)
Offense: Suspicious Person (Loitering / Trespassing)

Case #: 19131143 Vicinity of PUBLIX
Date: October 28, 2019 Time: Overnight
Offense: Theft from Vehicle, Computer (Misdemeanor)

Case #: 19138986 PUBLIX Parking Lot
Date: November 18, 2019
Time: 1918 hours (7:18 p.m.)
Offense: Burglary of a Vehicle

Case #: 19139251 PUBLIX Bike Rack, PUBLIX Employee
Date: November 19, 2019
Time: 1100 hours to 2300 hours (11:00 a.m. to 11:00 p.m.)
Offense: Theft of Bicycle Value \$600.00

Case #: 19143171 PUBLIX Parking Lot
Date: November 30, 2019
Time: 1930 hours (7:30 p.m.)
Offense: Trespassing by a regular nuisance, death threats to two sheriffs at the scene by threat of shooting them.

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

Case #: 19146266 Crossroads Plaza
Date: December 9, 2019
Time: 1600 hours (4:00 p.m.)
Offense: Public Intoxication by caller of a suspicious person

Case #: 19147042
Date: December 9, 2019
Time: 1939 hours (7:39 p.m.)
Offense:

Case #: 20034643 PUBLIX Parking Lot
Date: February 5, 2020
Time: 1930 hours (7:30 p.m.)
Offense: Theft of Bicycle

Case #: 20045860 PUBLIX Parking Lot Outside of UPS
Date: March 5, 2020
Time: 1432 hours (2:32 p.m.)
Offense: Theft from Vehicle (wallet)

Case #: 20076747 PUBLIX Parking Lot
Date: June 10, 2020
Time: 1610 hours (4:10 p.m.)
Offense: Theft from Vehicle (purse)

Case #: 20084351 PUBLIX Parking Lot
Date: July 4, 2020
Time: 0915 hours (9:15 a.m.)
Offense: Theft of Lottery Tickets

Case #: 20095266 PUBLIX Parking Lot
Date: August 8, 2020
Time: 1409 hours (2:09 p.m.)
Offense: Trespassing by known offender

Case #: 20095297 PUBLIX Parking Lot
Date: August 8, 2020
Time: 1616 hours (4:16 p.m.)
Offense: Firearms Complaint – brandishing a firearm which turned out to be selling a firearm in the parking lot

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

Case #: 20109995 Walgreens Store PUBLIX Parking Lot
Date: September 23, 2020
Time: 1947 hours (7:47 p.m.)
Offense: Retail Theft of Products (Misdemeanor)

Case #: 20128958
Date: November 20, 2020
Time: 1930hours (7:30 p.m.)
Offense: Offense:

Case #: 21023415 PUBLIX Parking Lot
Date: January 8, 2021
Time: Two-Week Period (no time available)
Offense: Theft of Vehicle (trailer)

Case #: 21043400 PUBLIX Parking Lot
Date: March 5, 2021
Time: 1015 hours to 1615 hours (10:15 a.m. to 4:15 p.m.)
Offense: Theft of Vehicle Tag

Case #: 21054795 PUBLIX Parking Lot
Date: April 12, 2021
Time: 1710 hours (5:17 p.m.)
Offense: Attempted Burglary of a Motor Vehicle

Case #: 21057657 PUBLIX Parking Lot
Date: April 21, 2021
Time: 1035 hours to 1135 hours (10:35 a.m. to 11:35 a.m.)
Offense: Theft of Vehicle Tag

Case #: 21073321 PUBLIX Parking Lot at the Nail Solon
Date: June 6, 2021
Time: 1530 hours (3:15 p.m.)
Offense: Theft of Vehicle Tag

26. Considering the amount of criminal activity within the Publix parking lot and surrounding area, the need for a robust safety plan to protect shoppers and workers is evident.

27. The failure to do this, in light of the specific incidents, juxtaposed against the bigger

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

picture of gun violence in commercial establishments, made the tragedy that is the subject of this lawsuit a “when would it happen” event not an “if it would happen event.”

INCIDENT GIVING RISE TO THIS LAWSUIT

28. On June 10, 2021, S.V. and LITHA G. VARONE went grocery shopping at The PUBLIX at the Crossroads. At this location on the day of this shooting incident, there was no visible security, whether it be guards or gun detectors.

29. On that same day, Timothy Wall, entered The PUBLIX at the Crossroads at 8:59 while wearing a mask, a black jacket and while carrying a golf club. He also had a duffle bag



slung over his shoulder and he made a purchase at the register inside the store. Wall then left at 9:06 am and 45 seconds; however, he stood near the exit for 3 minutes prior to leaving.

30. After leaving the PUBLIX at the Crossroads, Wall stayed on the premises of the strip mall where THE PUBLIX at the Crossroads is located for several hours.

31. PUBLIX at the Crossroads had no uniformed security in place at The Crossroads PUBLIX on the date and at all relevant times.

32. PUBLIX at the Crossroads utilized none of its resources to continuously monitor the parking lot area, either via video or with people.

33. PUBLIX at the Crossroads did not have gun detectors in place at the times relevant to this lawsuit.

34. PUBLIX did have uniformed security at other store locations prior to and on the same day as the tragic events giving rise to this lawsuit.

35. In addition, The PUBLIX at the Crossroads had cameras in place, but nobody monitored them in real time and there was no security to respond to an emergency even if they were monitored.

36. Having surveilled the PUBLIX at the Crossroads during the early morning and confirming a lack of security and thus no one to stop him from implementing his plan, Wall returned to PUBLIX at the Crossroads later that morning with no one to stop him from implementing his plan.

37. If PUBLIX had security in place to identify people who are potential threats then it

easily would have identified Wall as a potential threat earlier that same morning.

38. Security guards are trained to carefully observe their surroundings and be on the alert for any unusual or suspicious activity.

39. Guards are trained to spot behavior that could indicate whether a person may be intending to commit a crime.

40. Careful observation also includes taking note of important details most people might miss, such as a suspect's physical appearance, their mannerisms, or unusual objects they may be carrying.

41. Studies prove the effectiveness of security in preventing violent crimes.

42. Wall re-entered the PUBLIX at the Crossroads later that day at 11:29 am. He was still wearing black clothing, he was again wearing a mask, he was carrying a golf club and had a duffle bag slung over his shoulder. Again, no one paid attention.

43. 2 minutes later, at approximately 11:31 am and 39 seconds, Wall entered the Produce section of PUBLIX at the Crossroads:



44. At 11:34 am, in the Produce section, Timothy Wall took his gun out of his duffel bag and shot and killed S.V. at point blank range.

45. After hearing the gun shots, LITHA G. VARONE engaged in a life struggle with Wall. However, he eventually overpowered her, then shot and brutally killed her as well. He then turned his gun on himself.

46. In 2021, PUBLIX had revenues of \$48 billion dollars and net earnings of over \$4.4 billion dollars. PUBLIX has about 832 stores across the country, primarily in the South East United States. Providing gun violence security at all of its stores still would have left the company with net earnings of over \$4 billion dollars.

47. The cost of uniformed security and other gun violence prevention measures was not an obstacle to PUBLIX providing that protection for its customers and employees. However, PUBLIX chose not to do so. Instead, chose to put all of its customers and employees at unnecessary risk.

COUNT I
WRONGFUL DEATH CLAIM AGAINST PUBLIX – S.V.

Plaintiffs DANIELVARONE and MELISSA VARONE, as Co-Personal Representatives of the Estate of S.V., reallege and readopt paragraphs 1 through 47 above as if set forth fully herein and further state:

48. At all times material, Defendant PUBLIX owed a duty to its business invitees, including the Decedent, to exercise reasonable care in the operation, management, and

supervision of PUBLIX at the Crossroads to prevent foreseeable injury.

49. At all times material, Defendant PUBLIX maintained a non-delegable duty to its business invitees, including the decedent, to implement reasonable safety and security measures to prevent foreseeable injury.

50. At all times material, Defendant PUBLIX was and is liable for the negligent acts and/or omissions of its employees, agents, and representatives committed in the course and scope of their employment.

51. At all times material, Defendant PUBLIX, by and through its employees, agents, and servants, breached its duties owed to the Decedent by committing one or more of the following negligent acts and/or omissions:

- a. Failing to adopt and implement reasonable security measures at PUBLIX at the Crossroads;
- b. Failing to establish and enforce internal policies, procedures, and safeguards to protect guests from criminal attacks;
- c. Failing to post a security guard at PUBLIX at the Crossroads to deter or prevent criminal attacks;
- d. Failing to provide adequate training to employees, agents, and representatives charged with monitoring and supervising PUBLIX at the Crossroads;
- e. Failing to hire reasonably competent employees, agents, and representatives charged with monitoring and supervising PUBLIX at the Crossroads;
- f. Failing to consult with security experts and/or security associations to seek guidance and recommendations for security at PUBLIX at the Crossroads;
- g. Failing to become educated and informed regarding the provision of security at PUBLIX at the Crossroads;

- h. Failing to follow applicable industry standards regarding the provision of security at PUBLIX at the Crossroads;
- i. Failing to hold regular and re-occurring security meetings to adopt and revise security measures at PUBLIX at the Crossroads;
- j. Failing to employ reasonably competent security personnel at PUBLIX at the Crossroads;
- k. Failing to employ sufficient security personnel at PUBLIX at the Crossroads;
- l. Failing to have gun detection devices at PUBLIX at the Crossroads;
- m. Failing to take reasonable steps to protect its customers from foreseeable criminal attacks at PUBLIX at the Crossroads;
- n. Failing to keep PUBLIX at the Crossroads in a reasonably safe condition;
- o. Failing to conduct a regular and re-occurring risk assessment at Publix at the Crossroads; and
- p. Failing to implement uniform security measures and standards designed for the protection of its employees and customers, thus placing them at risk.

52. As a direct and proximate result of the above-mentioned negligence of Defendant PUBLIX, the Decedent was violently shot and killed at PUBLIX at the Crossroads.

53. As a result of the negligence of PUBLIX, DANIEL VARONE and MELISSA VARONE suffered harm including the loss of love, affection, and companionship of S.V. as well as mental pain and suffering. Plaintiffs DANIELVARONE and MELISSA VARONE, as Co-Personal Representatives of the Estate of S.V. claim all damages specified herein, as well as all damages allowable under Florida's Wrongful Death Act (Florida Statute Chapter §768 et. seq.).

54. The ESTATE OF S.V. claims all damages allowed by Florida's Wrongful Death Act (Florida Statute Chapter §768 et. seq.), including, but not limited to medical and funeral expenses and net accumulations.

WHEREFORE, Plaintiffs DANIELVARONE and MELISSA VARONE, as Co-Personal Representatives of the Estate of S.V. demands judgment against Defendant PUBLIX for damages in excess of \$30,000, together with costs, attorneys fees as allowed by law, and all further relief this Court deems just and proper, and demands trial by jury of all issues so triable as of right.

COUNT II
WRONGFUL DEATH CLAIM AGAINST PUBLIX – LITHA

Plaintiffs DANIEL VARONE, DAVID VARONE and SANDRA VARONE, as Co-Personal Representatives of the Estate of LITHA G. VARONE, reallege and readopt paragraphs 1 through 47 above as if set forth fully herein and further state:

55. At all times material, Defendant PUBLIX owed a duty to its business invitees, including the Decedent, to exercise reasonable care in the operation, management, and supervision of PUBLIX at the Crossroads to prevent foreseeable injury.

56. At all times material, Defendant PUBLIX maintained a non-delegable duty to its business invitees, including the decedent, to implement reasonable safety and security measures to prevent foreseeable injury.

57. At all times material, Defendant PUBLIX was and is liable for the negligent acts and/or omissions of its employees, agents, and representatives committed in the course and

scope of their employment.

58. At all times material, Defendant PUBLIX, by and through its employees, agents, and servants, breached its duties owed to the Decedent by committing one or more of the following negligent acts and/or omissions:

- a. Failing to adopt and implement reasonable security measures at PUBLIX at the Crossroads;
- b. Failing to establish and enforce internal policies, procedures, and safeguards to protect guests from criminal attacks;
- c. Failing to post a security guard at PUBLIX at the Crossroads to deter or prevent criminal attacks;
- d. Failing to provide adequate training to employees, agents, and representatives charged with monitoring and supervising PUBLIX at the Crossroads;
- e. Failing to hire reasonably competent employees, agents, and representatives charged with monitoring and supervising PUBLIX at the Crossroads;
- f. Failing to consult with security experts and/or security associations to seek guidance and recommendations for security at PUBLIX at the Crossroads;
- g. Failing to become educated and informed regarding the provision of security at PUBLIX at the Crossroads;
- h. Failing to follow applicable industry standards regarding the provision of security at PUBLIX at the Crossroads;
- i. Failing to hold regular and re-occurring security meetings to adopt and revise security measures at PUBLIX at the Crossroads;
- j. Failing to employ reasonably competent security personnel at PUBLIX at the Crossroads;
- k. Failing to employ sufficient security personnel at PUBLIX at the Crossroads;
- l. Failing to have gun detection devices at PUBLIX at the Crossroads;

- m. Failing to take reasonable steps to protect its customers from foreseeable criminal attacks at PUBLIX at the Crossroads;
- n. Failing to keep PUBLIX at the Crossroads in a reasonably safe condition;
- o. Failing to conduct a regular and re-occurring risk assessment at Publix at the Crossroads; and
- p. Failing to implement uniform security measures and standards designed for the protection of its employees and customers, thus placing them at risk.

59. As a direct and proximate result of the above-mentioned negligence of Defendant PUBLIX, the Decedent was shot and killed at PUBLIX at the Crossroads.

60. As a result of the negligence of PUBLIX, DANIEL VARONE, DAVID VARONE and SANDRA VARONE suffered harm including the loss of love, affection, and companionship of LITHA G. VARONE, as well as mental pain and suffering. Plaintiff DANIEL VARONE, DAVID VARONE and SANDRA VARONE, as Co-Personal Representatives of the Estate of LITHA G. VARONE claim all damages specified herein, as well as all damages allowable under Florida's Wrongful Death Act (Florida Statute Chapter §768 et. seq.).

61. THE ESTATE OF LITHA G. VARONE claims all damages allowed by Florida's Wrongful Death Act (Florida Statute Chapter §768 et. seq.), including, but not limited to medical and funeral expenses and net accumulations.

WHEREFORE, Plaintiffs DANIEL VARONE, DAVID VARONE and SANDRA VARONE, as Co-Personal Representatives of the Estate of LITHA G. VARONE demands

Estate of S.V. and Estate of Litha G. Varone vs. Publix
Case No.:
Complaint

judgment against Defendant PUBLIX for damages in excess of \$30,000, together with costs, attorneys fees as allowed by law, and all further relief this Court deems just and proper, and demands trial by jury of all issues so triable as of right.

DATED this 19th day of October, 2022.

/s/ Sean C. Domnick

Sean C. Domnick, Esquire
Florida Bar No.: 843679
Gregory M. Yaffa, Esquire
Florida Bar No.: 586412
Domnick Cunningham & Whalen
2401 PGA Blvd., Suite 140
Palm Beach Gardens, FL 33410
Telephone: (561) 625-6260
Facsimile: (561) 625-6269
Email: sean@dcwlaw.com; gyaffa@dcwlaw.com;
jmd@dcwlaw.com; mfd@dcwlaw.com;
eservice@dcwlaw.com
Attorneys for Estate of S.V.

/s/ James G. Graver

James G. Graver, Esquire
Florida Bar No.: 577413
Law Offices of James G. Graver, P.A.
8401 Lake Worth Rd Ste 212
Lake Worth, FL 33467
Telephone: (561) 228-7820
Facsimile: (561) 839-1890
Email: jgraver@graverlaw.com;
jallen@graverlaw.com
Attorneys for Estate of LITHA G. VARONE