

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

ANTHONY GALLI,

Plaintiff,

vs.

Case No.:

DAVID MATTHEW PORTERA,

Defendant.

COMPLAINT

Plaintiff, ANTHONY GALLI, by and through his undersigned attorney, sues the Defendant, DAVID MATTHEW PORTERA, and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages that exceeds Fifty Thousand Dollars (\$50,000.00).
2. Venue is proper because the case of action occurred in Pinellas County, Florida.
3. At all times material hereto, Defendant, DAVID MATTHEW PORTERA, was a resident of Pinellas County, Florida, or who is concealing his whereabouts or is no longer a resident of the State of Florida.
4. At all times material to the matters alleged in this Complaint, the Defendant, DAVID MATTHEW PORTERA, was and is the owner of the premises where the subject incident took place, having dominion and control over the property located at 1605 Governors Lane, Safety Harbor, Pinellas County, Florida.
5. Furthermore, at all times materials to the matters alleged in this Complaint, the Defendant, DAVID MATTHEW PORTERA, possessed, managed and controlled the property and grounds of 1605 Governors Lane, Safety Harbor, Pinellas County, Florida.

6. On November 12, 2024, Plaintiff, ANTHONY GALLI, was a lawful invitee hired to perform work at the property owned and controlled by Defendant, DAVID MATTHEW PORTERA. While performing his work, Plaintiff leaned on the deck railing, which suddenly and without warning failed, causing him to fall from the deck into the pond below. Plaintiff, ANTHONY GALLI, sustained both permanent injury and significant damages.

7. Defendant, DAVID MATTHEW PORTERA, knew or should have known, and could foresee and anticipate that guests, such as Plaintiff, ANTHONY GALLI, would reasonably assume the deck railing would not fail.

8. Defendant, DAVID MATTHEW PORTERA, failed to warn Plaintiff, ANTHONY GALLI of the dangerous and unsafe condition on its property.

COUNT I
NEGLIGENCE

The Plaintiff, ANTHONY GALLI, adopts and realleges all prior material paragraphs as if fully set forth herein.

9. At all times material hereto, Defendant, DAVID MATTHEW PORTERA, owned, operated, maintained and exercised dominion and control over 1605 Governors Lane, Safety Harbor, Pinellas County, Florida.

10. As the individual responsible for owning, operating, maintaining, and controlling 1605 Governors Lane, Safety Harbor, Pinellas County, Florida, Defendant, DAVID MATTHEW PORTERA, owed a non-delegable duty to the Plaintiff to take all reasonable steps to ensure his safety while on Defendant's premises known as 1605 Governors Lane, Safety Harbor, Pinellas County, Florida.

11. Specifically, Defendant, DAVID MATTHEW PORTERA, owned a non-delegable duty to Plaintiff to use reasonable care to ensure that Plaintiff was able to safely and adequately utilize the deck and deck railing without being subject to the dangerous and unsafe conditions.

12. Defendant, DAVID MATTHEW PORTERA, negligently maintained the deck and deck railing of 1605 Governors Lane, Safety Harbor, Pinellas County, Florida, creating fall hazards and dangers to guests, of 1605 Governors Lane, Safety Harbor, Pinellas County, Florida, and was thus, a dangerous, unsafe condition or defect existing on 1605 Governors Lane, Safety Harbor, Pinellas County, Florida, so that Plaintiff, ANTHONY GALLI, fell on the property.

13. These negligent conditions were known to Defendant, DAVID MATTHEW PORTERA, or had existed for a sufficient length of time so that Defendant, DAVID MATTHEW PORTERA, should have known about the conditions.

14. Defendant, DAVID MATTHEW PORTERA, breached its duties to the Plaintiff, ANTHONY GALLI, by carelessly and negligently failing to properly maintain the deck and deck railing or warn the Plaintiff, ANTHONY GALLI, of the defects and dangerous conditions on the deck and deck railing. Specifically, Defendant, DAVID MATTHEW PORTERA, breached its duties of care owed to Plaintiff, ANTHONY GALLI, in its actions and inactions in one or more of, but not limited to, the following ways:

- a. By failing to inspect areas they knew were dangerous including but not limited to, the area in which Plaintiff, ANTHONY GALLI, fell;
- b. By failing to clearly identify the aforementioned area which created an unreasonably dangerous and unsafe condition of which they knew, or through the exercise of reasonable care, should have known existed;

- c. By failing to properly and/or adequately inspect the area to determine if it was free from hazards and other dangerous conditions, which the Defendant, DAVID MATTHEW PORTERA, knew, or through the exercise of reasonable care, should have known existed;
- d. By failing to warn Plaintiff, ANTHONY GALLI, and others, of the existence of dangerous conditions present on the areas of use when they knew or, through the exercise of reasonable care, should have known of its existence;
- e. By failing to post warning signs that the conditions existed;
- f. By failing to ensure a safe, hazard-free environment;
- g. By failing to properly inspect the subject deck and deck railing area to be sure it was in good condition, free of hazards;
- h. By failing to protect invitees from known hazards on the deck and deck railing;
- i. By failing to reduce, minimize, or eliminate the known or foreseeable risks and dangers associated with an ill-maintained deck and deck railing where it knew invitees would use said deck and deck railing, and
- j. By failing to exercise reasonable care by failing to take actions to reduce, minimize or eliminate foreseeable risks before they manifested themselves as particularly dangerous, unsafe or defect existing condition.

15. The negligent conditions were known to Defendant, DAVID MATTHEW PORTERA, or had existed for a sufficient length of time so that Defendant, DAVID MATTHEW PORTERA, should have known about the conditions.

16. As a direct and proximate result of the negligence of the Defendant, DAVID MATTHEW PORTERA, Plaintiff, ANTHONY GALLI, suffered severe and permanent damages including, but not limited to, bodily injury and resulting pain and suffering, disability, disfigurement, scarring, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of a previously existing condition. The losses are either permanent or continuing, and Plaintiff, ANTHONY GALLI, will suffer these losses in the future.

WHEREFORE, Plaintiff, ANTHONY GALLI, demands judgment for damages against the Defendant, DAVID MATTHEW PORTERA, and demands a trial by jury.

/s/ Hali E. Marsocci

HALI E. MARSOCCHI, ESQUIRE

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