

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

CASE NO.:

TOD WILLIAM HESS,

Plaintiff,

vs.

5500-5600 GULF BLVD. IG LLC,
D/B/A RUMFISH BEACH RESORT
BY TRADEWINDS,

Defendants.

COMPLAINT FOR DAMAGES

Plaintiff, TOD WILLIAM HESS (hereinafter referred to as “Plaintiff” or “HESS”), by and through the undersigned attorneys, hereby sues the Defendant, 5500-5600 GULF BLVD. IG LLC, D/B/A RUMFISH BEACH RESORT BY TRADEWINDS (hereinafter referred to as “Defendant” or “RUMFISH”), and alleges as follows:

1. That this is an action for damages in excess of \$50,000.00, exclusive of interest, costs, and attorney’s fees, and is otherwise within the jurisdiction of this Court.
2. That the Plaintiff, TOD WILLIAM HESS, is over the age of eighteen (18) and is a resident of Pinella Park, Pinellas County, Florida and is sui juris.
3. That the Defendant, 5500-5600 GULF BLVD. IG LLC. is a Foreign Limited Liability Company that is and has been at all times material hereto licensed to do and has been doing business in the State of Florida and operating under the trade name RUMFISH BEACH RESORT BY TRADEWINDS.
4. Venue is appropriate in Pinellas County, Florida because the cause of action occurred in Pinellas County, Florida.
5. Plaintiff has performed all conditions precedent to the filing of this action, or all such conditions have occurred or been satisfied.

COUNT 1 - NEGLIGENCE

6. Plaintiff alleges and affirms the allegations contained in paragraph 1 through 5 above as if fully set forth herein.

7. On or about July 28, 2025, Plaintiff, HESS, was lawfully on the premises of Defendant, RUMFISH, as a guest and business invitee.

8. At all times relevant, the Defendant, RUMFISH, by and through its agents, employees, and/or servants, had exclusive dominion, possession and control of the premises located at 6000 Gulf Blvd., St Pete Beach, FL 33706, including the exterior stairs/stairway where the incident occurred.

9. That on or about July 28, 2025, the Plaintiff, HESS, was walking down the exterior stairway of the premises when he slipped and fell due to the wet, slippery, dirty exterior stairs that lacked anti slip treads and were unsafe to traverse.

10. Defendant, RUMFISH, by and through its agents, employees, and/or servants, negligently and carelessly maintained the premises by:

- a. Allowing the exterior stairs/stairway of the premises to remain wet, dirty, slippery, and without anti slip treads;
- b. Allowing a dangerous condition to exist where business invitees, including Plaintiff, were expected to traverse; and
- c. Failing to inspect, repair, or correct the hazardous condition which caused the Plaintiff to fall and seriously injure himself.

11. Defendant either knew or should have known of the existence of the dangerous condition of the exterior stairs/stairway and should have taken steps to warn the Plaintiff of the existence of the dangerous condition.

12. Defendant owed a duty of care to Plaintiff and other invitees to maintain the premises, including the exterior stairway, in a reasonably safe condition and to warn of known or reasonably foreseeable dangers.

13. Defendant breached its duty of care to the Plaintiff by committing one or more of the following acts of negligence:

- (a) failing to properly inspect, maintain, or repair the exterior stairs/stairway;
- (b) failing to install and maintain adequate markings, contrast or anti-slip treads on the exterior stairs to prevent incidents for guests traversing;
- (c) creating or allowing an unreasonably dangerous condition to exist at the premises;
- (d) failing to correct or maintain the defective, slippery exterior stairs/stairway that posed a significant and unreasonable hazard to those traversing, specifically the Plaintiff.
- (e) failing to warn Plaintiff of the existence of this unreasonably dangerous condition and the risk involved inasmuch as the presence of the Plaintiff, was known or reasonably foreseeable by the Defendant, RUMFISH, and the Plaintiff, HESS, neither knew nor should have known of said condition and risk by the use of reasonable care.

14. That the Defendant, RUMFISH, was negligent in creating or permitting the aforementioned dangerous and hazardous condition to remain upon the premises, rendering said premises dangerous and unsafe for the Plaintiff.

15. That as a result of the Defendant's negligence, Plaintiff HESS slipped and fell and was severely injured.

16. That as a direct and proximate result of the negligence of the Defendant, RUMFISH, the Plaintiff, HESS, was injured in and about his body and extremities, suffered pain there from, suffered physical handicap, lost wages and loss of ability to earn money in the past and in the future, aggravation of a previously existing condition and suffered the inability to lead a normal life; all of which are permanent and continuing in nature.

17. In addition, as a direct and proximate result of the Defendant, RUMFISH, the Plaintiff, HESS, incurred medical expenses in the treatment of injuries and will continue to incur

said expenses in the future.

WHEREFORE, the Plaintiff, TOD WILLIAM HESS, demands judgment for damages against the Defendant, 5500-5600 GULF BLVD. IG LLC, D/B/A RUMFISH BEACH RESORT BY TRADEWINDS, and a trial by jury of all issues triable as a right by a jury.

DATED this 31st day of October, 2025

Respectfully Submitted,

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