

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY,
FLORIDA

JENNIFER BATTLES,
As Personal Representative of the
Estate of JAVONA GLOVER, on Behalf
of the Estate and the Survivors,

Plaintiff,

v.

CASE NO.: 2017 CA 000218

WALGREEN CO. d/b/a WALGREENS PHARMACY
and ERIC JEFFRIES,

Defendant.

COMPLAINT

Plaintiff, JENNIFER BATTLES, as Personal Representative of the Estate of JAVONA GLOVER, by and through undersigned counsel, sues Defendants, WALGREEN CO. d/b/a WALGREENS PHARMACY (hereinafter "WALGREENS"), a Florida corporation, and ERIC JEFFRIES, and alleges:

1. This is an action for wrongful death, et al., pursuant to sections 768.16-768.27, Florida Statutes, and Florida common law, with damages exceeding the minimum jurisdictional limits of this court, which is \$15,000.00.

2. JENNIFER BATTLES was at all times material hereto a resident of Tallahassee, Leon County, Florida; was the natural mother of JAVONA GLOVER; and is the natural grandmother of JA'NYA DIVINE JACKSON, a minor, the surviving natural daughter of JAVONA GLOVER, deceased.

3. JENNIFER BATTLES is the Personal Representative of the Estate of JAVONA GLOVER. See Leon County Probate Court Case No. 2016 CP 000916, IN RE:

THE ESTATE OF JAVONA GLOVER, deceased, Petition for Formal Administration, filed December 1, 2016. The letters of administration are attached hereto as Exhibit A.

4. Defendant, WALGREENS was at all times material hereto a corporation domiciled in Deerfield, Illinois and licensed to do business in the State of Florida, including Leon County, Florida and maintains a registered agent in the State of Florida, Prentice-Hall Corporation System, Inc., which may be served with legal process in Leon County at 1201 Hays Street, Suite 105, Tallahassee, Florida 32301, and is in all other respects sui juris.

5. Defendant, ERIC JEFFRIES, is the general manager of Walgreens Pharmacy located at 2009 West Tennessee Street, Tallahassee, Florida, and a resident of Tallahassee, Leon County, Florida, who can be served with legal process at his place of employment, and is in all other respects sui juris.

6. The incident that is the subject of this Complaint occurred in Leon County, Florida. Venue is appropriate in Leon County pursuant to sections 47.011 and 47.051, Florida Statutes.

7. As the Personal Representative of the Estate of JAVONA GLOVER, JENNIFER BATTLES brings the following claims for the wrongful death of JAVONA GLOVER pursuant to sections 768.16-768.27, Florida Statutes, on behalf of the Estate of JAVONA GLOVER, as well as on behalf of the individual survivors thereof:

- a. JENNIFER BATTLES, as surviving natural mother of JAVONA GLOVER, who was 23 years old at the time of her death, is entitled to recover for mental pain and suffering from the date of injury;
- b. JA'NYA DIVINE JACKSON, as surviving natural minor daughter of JAVONA GLOVER, is entitled to recover:
 - (1) Lost support and services from date of injury to date of death and future loss of support and services from date of death; and

(2) Lost parental companionship, instruction, and guidance and mental pain and suffering from the date of injury.

c. The Estate of JAVONA GLOVER is entitled to recover:

(1) Loss of earnings of JAVONA GLOVER from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest.

(2) Loss of prospective net accumulations which might have reasonably have been expected but for the wrongful death

(3) Medical and funeral expenses due to JAVONA GLOVER's injury and death that have become a charge against her Estate or that were paid on behalf of JAVONA GLOVER by her Estate or by her survivors.

8. On or about August 30, 2016, Defendant WALGREENS was in possession of and managed a property and a building at 2009 West Tennessee Street in Tallahassee, Leon County, Florida.

9. On or about August 30, 2016, Defendant ERIC JEFFREIES was the General Manager of the Walgreens Pharmacy at 2009 West Tennessee Street in Tallahassee, Leon County, Florida.

10. At that time and place, JAVONA GLOVER was on the property working as an employee of the Defendant. JAVONA GLOVER had been working for WALGREENS for approximately one and a half years prior to the incident complained of in this lawsuit.

11. Prior to August 30, 2016, it was known to the management and employees of WALGREENS and manager, ERIC JEFFRIES, that JAVONA GLOVER's ex-boyfriend and father of her daughter, Tavon Jackson, behaved in a very violent, aggressive,

and threatening manner with and towards JAVONA GLOVER. He had visited her while she was working at WALGREENS and caused threatening altercations and loud, aggressive arguments with JAVONA GLOVER at WALGREENS in front of its employees and managers. He also had called JAVONA GLOVER while she was at work at WALGREENS on the store phone and initiated heated, threatening arguments with her over the phone. Furthermore, one of the managers of WALGREENS was close friends with JAVONA GLOVER and had personal knowledge of Mr. Jackson's history of violence, threats, and aggression towards JAVONA GLOVER.

12. On the morning of August 30, 2016, Mr. Jackson called the cell phone of JAVONA GLOVER and the store phone of WALGREENS repeatedly. The employees and management of WALGREENS knew that Mr. Jackson was calling the store repeatedly that morning to talk to JAVONA GLOVER and that she was refusing to speak with him. Mr. Jackson then showed up at the store that morning and initiated a loud argument with JAVONA GLOVER in the middle of the store, within earshot of customers, employees, and store managers. During the argument, Mr. Jackson was acting in a hostile and very threatening manner towards JAVONA GLOVER. Several employees and manager at WALGREENS witnessed the hostile and heated argument but did nothing to break it up or otherwise offer protection or safety to JAVONA GLOVER. Mr. Jackson then pulled out a knife and stabbed JAVONA GLOVER eight times. The eighth stab wound hit a main artery and killed JAVONA GLOVER.

13. Confusion ensued and the response by WALGREENS to the attack was delayed. Specifically, there was a delay by WALGREENS in calling 911. By the time 911 arrived, it was too late for JAVONA GLOVER.

14. The hazard posed by Mr. Jackson to JAVONA GLOVER in her workplace was known and recognized by WALGREENS and manager ERIC JEFFRIES or it should

have been known and recognized. That hazard was likely to cause serious harm or death to JAVONA GLOVER. There was a feasible and economically viable way for WALGREENS and ERIC JEFFRIES to correct that hazard, yet they failed to take any actions to correct the hazard. As a direct result of WALGREENS' and r ERIC JEFFRIES' failure, JAVONA GLOVER tragically died.

15. THE ESTATE OF JAVONA GLOVER is not entitled to workers' compensation benefits in relation to the incident complained of in this lawsuit. *Santizo-Perex v. Genaro's Corp.*, 138 So. 3d 1148 (Fla. 1st DCA 2014) (when a work-related right brings about injury, the injury is compensable as opposed to those that are brought about by risks personal in nature, which are not compensable); *Sentry v. Hamlin*, 69 So.3d 1065 (Fla. 1st DCA 2011) (if a claimant's injury does not arise out of a risk incidental to work, the injuries are not compensable; mere presence at the workplace is not enough to meet the "arising out of" prong of the coverage formula); *Carnegie v. Pan American Linen*, 476 So. 2d 311 (Fla. 1st DCA 1985) ("[i]n circumstances where the work place is merely the fortuitous site of a personal assault which is purely private in origin, and the employment does not otherwise impact the altercation, compensation benefits are properly denied even if the claimant is not the aggressor since the resulting injuries would not arise out of the employment").

COUNT I

NEGLIGENT FAILURE TO PROVIDE EMPLOYEES A SAFE WORKPLACE

16. Plaintiff realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 15 above.

17. WALGREENS and ERIC JEFFRIES had a non-delegable duty to provide a safe and secure environment for its employees, including JAVONA GLOVER, which was free from workplace violence.

18. WALGREENS and ERIC JEFFRIES breached that duty by failing to:
- a. Have a security guard on site;
 - b. Have a comprehensive workplace violence plan as well as policies and procedures in place to prevent workplace violence;
 - c. Ensure that its employees and management followed its workplace violence plan, policies and procedures in a non-negligent fashion;
 - d. Properly and/or effectively train its employees and management on how to prevent and timely respond to threats or incidents of workplace violence;
 - e. Properly and effectively implement a workplace violence prevention program;
 - f. Designate and train an incident response team;
 - g. Set up a reporting procedure for employees to use if they observe a co-worker whom they feel has been threatened with violence;
 - h. Secure its business premises from crime by outsiders, particularly when a victim/employee like JAVONA GLOVER is being harassed or threatened at work by an outsider;
 - i. Have other security measures in place, like an alarm button at its front counters designed to immediately summon police and other emergency services;
 - j. Timely and effectively intervene in the altercation which took place on the morning of August 30, 2016, between Mr. Jackson and JAVONA GLOVER;
 - k. Timely call 911 or law enforcement to immediately respond to the ongoing threat posed by Mr. Jackson;
 - l. Take reasonable steps to recognize, address, and prevent behavior and actions which lead to or constitute workplace violence; and
 - m. Undertake other security measures designed to prevent workplace violence.

19. WALGREENS and ERIC JEFFRIES knew or should have known that Mr. Jackson posed a threat of injury or death to JAVONA GLOVER. WALGREENS had knowledge of Mr. Jackson's prior acts of violence towards JAVONA GLOVER and his threatening, intimidating, harassing, dangerous, and aggressive behavior towards her. WALGREENS and ERIC JEFFREIS were aware of the aggressive altercation which Mr. Jackson initiated with JAVONA GLOVER in the middle of its store immediately before he stabbed JAVONA GLOVER to death.

20. WALGREENS and ERIC JEFFRIES knew or should have known that the absence of necessary and prudent safety and security measures at its store, as alleged in paragraph 18, also presented a threat of injury or death to JAVONA GLOVER and potentially other employees in light of Mr. Jackson's propensity for violence.

21. Despite knowing or being in a position to have knowledge that Mr. Jackson posed an immediate threat of bodily injury or death to JAVONA GLOVER, and despite knowing that WALGREENS and ERIC JEFFRIES, did not have adequate safety and security measures in place to protect JAVONA GLOVER and other employees from workplace violence, WALGREENS and ERIC JEFFRIES failed to take feasible, economically viable, and reasonable precautions, security, and safety measures to protect JAVONA GLOVER from acts of violence committed in her workplace by Mr. Jackson. As a direct result of WALGREENS' and ERIC JEFFRIES' failure, Mr. Jackson stabbed and fatally wounded JAVONA GLOVER.

22. As a result of the death of JAVONA GLOVER, the Estate of JAVONA GLOVER has suffered damages including funeral and medical expenses, loss of net accumulations, and lost earnings. The survivor of the Estate of JAVONA GLOVER, JA'NYA DIVINE JACKSON, a minor, has suffered loss of parental companionship,

guidance, and instruction, and loss of support and services. The survivor of the Estate of JAVONA GLOVER, JENNIFER BATTLES, has suffered mental pain and suffering.

WHEREFORE, Plaintiff JENNIFER BATTLES, as the Personal Representative of the Estate of JAVONA GLOVER, on behalf of the Estate and the Survivors, demands judgment against Defendants WALGREENS and ERIC JEFFRIES for damages, prejudgment interest as may be applicable, post judgment interest, costs of this action, and trial by jury.

COUNT II

NEGLIGENT SUPERVISION/TRAINING

23. Plaintiff realleges and incorporates by reference herein all the paragraphs 1 through 15 above.

24. WALGREENS and ERIC JEFFRIES had a non-delegable duty to provide employees with a safe work environment by training and supervising its employees properly.

25. WALGREENS and ERIC JEFFRIES breached that duty by failing to:
- a. Properly train its employees and management on how to respond to an aggressive verbal altercation occurring at the workplace;
 - b. Properly train its employees and management on how to prevent and address bullying, yelling, aggression, threatening behavior, and other such conduct of which the employees and management became aware;
 - c. Properly train its employees on policies, procedures, and protocols which provide instructions on how to timely take action in a violent attack to protect co-workers and employees;
 - d. Properly train its managers, supervisors, and employees on how to deal with threats made to co-workers in the workplace;
 - e. Properly train its managers, supervisors, and employees on how to recognize potential actions and behavior which will lead to or culminate in workplace violence;

- f. Provide proper emergency preparedness training for all employees;
- g. Properly supervise an employee whom WALGREENS and ERIC JEFFRIES knew was subject to threats of violence, aggressive behavior, and hostility in the workplace; and
- h. Exercise reasonable care in supervising managers and employees on how to properly take steps to recognize, address, prevent, and stop actions and behavior which can lead to or which constitutes workplace violence

26. WALGREENS and ERIC JEFFRIES knew or should have known that Mr. Jackson posed a threat of injury or death to JAVONA GLOVER. WALGREENS and ERIC JEFFRIES had knowledge of Mr. Jackson's prior acts of violence towards JAVONA GLOVER and his threatening, intimidating, harassing, dangerous, and aggressive behavior towards her. WALGREENS and ERIC JEFFRIES were aware of the aggressive altercation which Mr. Jackson initiated with JAVONA GLOVER in the middle of its store immediately before he stabbed JAVONA GLOVER to death.

27. WALGREENS and ERIC JEFFRIES knew or should have known that its failure to properly train and supervise its employees and managers, as alleged in paragraph 25, also presented a threat of injury or death to JAVONA GLOVER and potentially other employees in light of Mr. Jackson's propensity for violence.

28. Despite knowing or being in a position to have knowledge that Mr. Jackson posed an immediate threat of bodily injury or death to JAVONA GLOVER, and despite knowing that WALGREENS and ERIC JEFFRIES had not properly trained or supervised its employees and managers with respect to the recognition and prevention of workplace violence, WALGREENS and ERIC JEFFRIES failed to take feasible, economically viable, and reasonable steps to properly train and supervise its employees and managers so as to protect JAVONA GLOVER and its other employees from acts of violence committed in

its workplace. As a direct result of WALGREENS' and ERIC JEFFRIES' failure, Mr. Jackson stabbed and fatally wounded JAVONA GLOVER.

29. As a result of the death of JAVONA GLOVER, the Estate of JAVONA GLOVER has suffered damages including funeral and medical expenses, loss of net accumulations, and lost earnings. The survivor of the Estate of JAVONA GLOVER, JA'NYA DIVINE JACKSON, a minor, has suffered loss of parental companionship, guidance, and instruction, and loss of support and services. The survivor of the Estate of JAVONA GLOVER, JENNIFER BATTLES, has suffered mental pain and suffering.

WHEREFORE, Plaintiff JENNIFER BATTLES, as Personal Representative of the Estate of JAVONA GLOVER, demands judgment against Defendants WALGREENS and ERIC JEFFRIES for damages, prejudgment interest as may be applicable, post judgment interest, costs of this action, and trial by jury.

COUNT III

WRONGFUL DEATH AGAINST WALGREENS AND ERIC JEFFRIES

30. Plaintiff realleges and incorporates by reference herein all the paragraphs 1 through 15 above.

31. This is an action for wrongful death, pursuant to sections 768.16-768.27, Florida Statutes, with damages exceeding the minimum jurisdictional limits of this court, which is \$15,000.00.

32. This action is brought by Plaintiff in her capacity as Personal Representative of the ESTATE OF JAVONA GLOVER. Plaintiff brings this action for the use and benefit of the ESTATE OF JAVONA GLOVER, and for and on behalf of his Survivors, JA'NYA DIVINE JACKSON, a minor, and JENNIFER BATTLES. Plaintiff is the mother of JAVONA GLOVER and the natural grandmother of JA'NYA DIVINE JACKSON, a minor, who is the surviving daughter of JAVONA GLOVER. JA'NYA DIVINE

JACKSON, a minor, JENNIFER BATTLES, and the ESTATE OF JAVONA GLOVER, deceased, are the beneficiaries of this wrongful death action.

33. At all times material hereto, Defendants WALGREENS and ERIC JEFFRIES had various non-delegable duties to JAVONA GLOVER, as set forth specifically above in Counts I and II, and incorporated herein by reference.

34. For all the reasons alleged above, which are incorporated herein by reference, Defendants WALGREENS and ERIC JEFFRIES breached these duties to JAVONA GLOVER, by the negligent acts, omissions and tortious conduct outlined above, and incorporated herein by reference.

35. The negligent acts, omissions and tortious conduct of Defendants WALGREENS and ERIC JEFFREIS directly and proximately caused the horrible, agonizing, and untimely death of JAVONA GLOVER.

36. As a result of the death of JAVONA GLOVER, the Estate of JAVONA GLOVER has suffered damages including funeral and medical expenses, loss of net accumulations, and lost earnings. The survivor of the Estate of JAVONA GLOVER, JA'NYA DIVINE JACKSON, a minor, has suffered loss of parental companionship, guidance, and instruction, and loss of support and services. The survivor of the Estate of JAVONA GLOVER, JENNIFER BATTLES, has suffered mental pain and suffering.

WHEREFORE, Plaintiff JENNIFER BATTLES, as Personal Representative of the Estate of JAVONA GLOVER, and on behalf of the Estate and the Survivors, demands judgment against Defendants WALGREENS and ERIC JEFFRIES for all damages set forth and allowed by section 768.21, Florida Statutes, costs of this action, prejudgment interest as may be applicable, post judgment interest, and trial by jury.

Respectfully submitted this 31st day of January, 2017.

/s/ Carrie Mendrick Roane
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IN THE CIRCUIT COURT FOR LEON COUNTY,
FLORIDA PROBATE DIVISION
IN RE: ESTATE OF

JAVONA ALIYAH GLOVER
File No. 2016 CP 000916

Deceased.

LETTERS OF ADMINISTRATION
(single personal representative)

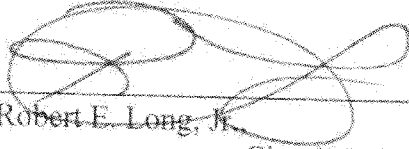
TO ALL WHOM IT MAY CONCERN

WHEREAS, Javona Aliyah Glover, a resident of Leon County, Florida, died on August 30, 2016, owning assets in the State of Florida, and

WHEREAS, Jennifer LaVetrie Battles has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare Jennifer LaVetrie Battles duly qualified under the laws of the State of Florida to act as personal representative of the estate of Javona Aliyah Glover, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on 6 Sept, 2017.


Robert E. Long, Jr.
Circuit Judge