

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

LUIS SANTANA, JR.,

CASE NO.:

Plaintiff,

DIVISION:

vs.

RIHANNA HANNAH-LOUISE KENNY,
CHRISTOPHER MAURICE BROWN, VINTAGE
ULTRA LOUNGE, LLC d/b/a VINTAGE ULTRA
LOUNGE, KRISTIAN WALGUARNERY, JOHN DOE 1
A.K.A. "NELSON", and JOHN DOE 2,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, LUIS SANTANA, JR, hereby sues Defendants, RIHANNA HANNAH-
LOUISE KENNY, CHRISTOPHER MAURICE BROWN, VINTAGE ULTRA LOUNGE, LLC,
D.B.A. VINTAGE ULTRA LOUNGE, KRISTIAN WALGUARNERY, JOHN DOE 2 A.K.A.
"NELSON" and JOHN DOE 3, and alleges the following:

GENERAL ALLEGATIONS

1. This is an action for damages in the amount of \$1,000,000.00 (One Million Dollars).
2. All acts or omissions giving rise to this action occurred in St. Petersburg, Pinellas County, Florida.
3. At all times material hereto Plaintiff, LUIS SANTANA, JR., (hereinafter referred to as "SANTANA"), was a resident of Hillsborough County, Florida and was working within the course and scope of his employment as a staff photographer for the ST. PETERSBURG TIMES newspaper.

4. At all times material hereto, VINTAGE ULTRA LOUNGE, LLC, d/b/a Vintage Ultra Lounge, was a Florida corporation licensed to do business in St. Petersburg, Pinellas County, Florida.

5. At all times material hereto, VINTAGE ULTRA LOUNGE, LLC, (hereinafter referred to as "VINTAGE", owned, controlled, and/or operated in whole or in part, an establishment known as "VINTAGE ULTRA LOUNGE" located at 16-2nd Street North, St. Petersburg, Pinellas County, Florida.

6. At all times material hereto, Defendants RIHANNA HANNAH-LOUISE KENNY, (hereinafter referred to as "RIHANNA", and CHRISTOPHER MAURICE BROWN, (hereinafter referred to as "BROWN"), were professional singing entertainers traveling, performing and otherwise doing business in the State of Florida.

7. At all times material hereto, RIHANNA and/or BROWN, and/or VINTAGE, retained security personnel for personal protection.

8. At all times material hereto, KHRISTIAN WALGUARNERY, (hereinafter referred to as "WALGUARNERY") was a resident of Pinellas County Florida.

9. At all times material hereto, WALGUARNEY was hired by JOHN DOE 1, a/k/a NELSON, (hereinafter referred to as NELSON) or RIHANNA and/or BROWN, to provide personal security protection to RIHANNA and BROWN, and to directly interact with the public.

10. At all times material hereto, NELSON, and JOHN DOE 2, were agents, servants, and/or employees of RIHANNA, and/or BROWN, and/or VINTAGE, with duties that included providing security, personal protection, and directing interaction with the public.

11. At all times material, WALGUARNEY, NELSON, and JOHN DOE 2, were acting within the course and scope of their duties for RIHANNA, BROWN, and/or VINTAGE.

12. On May 6, 2008 at approximately 2:30 a.m., SANTANA was a business invitee on or near the premises owned, controlled, operated and/or otherwise controlled by VINTAGE, in St. Petersburg, Pinellas County, Florida.

13. At the aforementioned time and location SANTANA, who was invited to said location by VINTAGE staff, was engaged in his trade as a celebrity photographer.

14. At the aforementioned time and location SANTANA, at the invitation of VINTAGE, photographed RIHANNA and BROWN in the parking lot controlled and operated by VINTAGE.

15. At that point Defendant, BROWN, emerged from a black limousine with Defendants, WALGUARNEY, NELSON, and JOHN DOE 2, and chased SANTANA through said parking lot. Defendant, NELSON, then grabbed Plaintiff by the shirt collar, tearing his shirt from his body.

16. Defendants, WALGUARNEY, NELSON, and JOHN DOE 2 then knocked SANTANA, to the ground and repeatedly kicked him. Defendants, WALGUARNEY, NELSON, and JOHN DOE 2, then took Plaintiff, SANTANA'S, camera that Plaintiff used to photograph Defendants, RIHANNA and BROWN.

17. At all times material Defendants, WALGUARNEY, NELSON, and JOHN DOE 2 acted with the knowledge, authorization, permission, and/or consent of RIHANNA, BROWN, and VINTAGE.

Count I: Battery as to Defendants RIHANNA HANNAH-LOUISE KENNY, CHRISTOPHER MAURICE BROWN, VINTAGE ULTRA LOUNGE, LLC JOHN DOE 1, a/k/a NELSON, JOHN DOE 2 and KRISTIAN WALGUARNEY

18. Plaintiff, LUIS SANTANA, JR., re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

19. Defendants, WALGUARNEY, NELSON, and JOHN DOE 2, acting within the course and scope of their employment with Defendants, RIHANNA, BROWN, and/or VINTAGE intentionally and repeatedly struck SANTANA about his head and body.

20. As a direct result of the aforesaid attack, SANTANA suffered bodily injury and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, and has incurred expenses for medical treatment, loss of property, loss of earnings and the loss of the ability to earn money. These losses are either permanent or continuing and SANTANA will suffer the losses in the future.

WHEREFORE, LUIS SANTANA, JR. requests judgment against the Defendants for damages, together with costs of suit, and any further relief as the court may deem proper. LUIS SANTANA, JR. requests a trial by jury of all issues so triable.

Count II: False Imprisonment as to Defendants RIHANNA HANNAH-LOUISE KENNY, CHRISTOPHER MAURICE BROWN, VINTAGE ULTRA LOUNGE, LLC JOHN DOE 1, a/k/a NELSON, JOHN DOE 2 and KRISTIAN WALGUARNEY

21. Plaintiff, LUIS SANTANA, JR. hereby, re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

22. Defendants, WALGUARNEY, NELSON, and JOHN DOE 2, acting within the course and scope of their employment with RIHANNA, BROWN, and VINTAGE intentionally caused SANTANA to be completely physically restrained against his will by violently knocking and holding SANTANA to the ground.

23. As a direct, proximate and foreseeable result of the subject attack SANTANA was deprived of his liberty, and/or suffered bodily injury and resulting pain and suffering, mental anguish, loss of the capacity for the enjoyment of life, loss of property, and has incurred expenses for medical treatment, loss of earnings and the loss of the ability to earn money. These

losses are either permanent or continuing and SANTANA will suffer the losses in the future.

WHEREFORE, LUIS SANTANA, JR. requests judgment against the Defendants for damages, together with costs of suit, and any further relief as the court may deem proper. LUIS SANTANA, JR. requests a trial by jury of all issues so triable.

Count III: Civil Theft pursuant to § 812.014 Florida Statutes as to Defendants RIHANNA HANNAH-LOUISE KENNY, CHRISTOPHER MAURICE BROWN, JOHN DOE 1, a/k/a NELSON JOHN DOE 2 and KRISTIAN WALGUARNEY

24. Plaintiff, LUIS SANTANA, JR. hereby, re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

25. Defendants, WALGUARNEY, NELSON, and JOHN DOE 2, acting within the course and scope of their employment with Defendants, RIHANNA and BROWN, intentionally seized the camera and camera equipment owned and operated by SANTANA then in his possession, with the intention of depriving SANTANA the right to his property or the benefit of the camera, camera equipment and photographs contained within the camera.

26. As a direct, proximate and foreseeable result of the subject attack, SANTANA suffered the loss and/or destruction of valuable personal property, the loss of income, and the loss of the ability to earn money. These losses are either permanent or continuing and SANTANA will suffer the losses in the future.

WHEREFORE, LUIS SANTANA, JR. requests judgment against the Defendants for damages including the value of the destroyed camera, as well as treble damages to which he is entitled under Fla. Stat. Section 812.014 together with attorneys fees costs of suit, and any further relief as the court may deem proper. LUIS SANTANA, JR. requests a trial by jury of all issues so triable.

***Count IV: Conversion as to Defendants RIHANNA HANNAH-LOUISE KENNY,
CHRISTOPHER MAURICE BROWN, JOHN DOE 1. a/k/a NELSON,
JOHN DOE 2 and KRISTIAN WALGUARNEY***

27. Plaintiff, LUIS SANTANA, JR. hereby, re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

28. Defendants, WALGUARNEY, NELSON, and JOHN DOE 2, acting within the course and scope of their employment with RIHANNA and BROWN, intentionally and in a manner hostile to SANTANA'S ownership, converted SANTANA'S camera, camera equipment and photographs stored within the camera. Defendants wrongfully deprived SANTANA of the full possessory rights to the camera, camera equipment and photographs then belonging to him.

29. As a direct, proximate and foreseeable result of the subject attack, SANTANA suffered the loss of property, loss of income and the loss of the ability to earn money. These losses are either permanent or continuing and SANTANA will suffer the losses in the future.

WHEREFORE, LUIS SANTANA, JR. requests judgment against the Defendants for damages, together with costs of suit, and any further relief as the court may deem proper. LUIS SANTANA, JR. requests a trial by jury of all issues so triable.

***Count V: Intentional Infliction of Emotional Distress as to Defendants RIHANNA HANNAH-LOUISE KENNY, CHRISTOPHER MAURICE BROWN, JOHN DOE 1, a/k/a NELSON,
JOHN DOE 2 and KRISTIAN WALGUARNEY***

30. Plaintiff, LUIS SANTANA, JR. hereby, re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

31. Defendant, WALGUARNEY, NELSON, and JOHN DOE 2, acting within the course and scope of their employment with Defendants, RIHANNA and CHRIS BROWN by and through their extreme and outrageous intentional misconduct, acted with reckless disregard of the high probability of causing severe emotional distress to SANTANA.

32. As a direct, proximate and foreseeable result of the subject attack, SANTANA suffered mental anguish and the loss of the capacity for the enjoyment of life. These losses are either permanent or continuing and SANTANA will suffer the losses in the future.

WHEREFORE, LUIS SANTANA, JR. requests judgment against the Defendants for damages, together with costs of suit, and any further relief as the court may deem proper. LUIS SANTANA, JR. requests a trial by jury of all issues so triable.

Count VI: Negligent Hiring, Negligent Retention as to Defendants RIHANNA HANNAH-LOUISE KENNY, CHRISTOPHER MAURICE BROWN, and VINTAGE ULTRA LOUNGE, LLC

33. Plaintiff, LUIS SANTANA, JR. hereby, re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

34. At all times material hereto Defendants, RIHANNA, BROWN, and VINTAGE, had a duty to screen, select, hire, train, supervise, and discipline their agents, servants, and/or employees.

35. At all times material hereto, Defendants, RIHANNA, BROWN, and VINTAGE, had legal duties to the public which include, but are not limited to properly training and supervising their agents, servants, and employees in safe and approved behavior in relation to their duties that included public interaction with persons such as SANTANA, determining the fitness or unfitness of their agents, servants, and employees and testing, evaluating, reviewing, and otherwise determining whether they had a propensity for violence and posed an

unreasonable risk of harm to the public.

36. Defendants, RIHANNA, BROWN, and VINTAGE had a duty to discipline or discharge their agents, servants, and employees if they posed an unreasonable risk of harm to the public.

37. Defendants, RIHANNA, BROWN, and VINTAGE, knew of and/or in the exercise of reasonable care, should have known that the Defendants, WALGUARNEY, JOHN DOE 1 a/k/a NELSON, and JOHN DOE 2, had a propensity for dangerous and overly aggressive conduct toward other members of the public including those similarly situated to SANTANA.

38. At all times material hereto, Defendants, RIHANNA, BROWN, and VINTAGE breached their duty to exercise care to the public and specifically to Plaintiff, SANTANA, in the hiring and retention of Defendants, WALGUARNEY, JOHN DOE 1 a/k/a NELSON, and JOHN DOE 2 in one or more of the following ways:

- (a) Retained WALGUARNEY, JOHN DOE 1 a/k/a NELSON, and JOHN DOE 2 when they knew of or should have known that he were unreasonably dangerous in the performance of their duties;
- (b) Failed to properly train WALGUARNEY, JOHN DOE 1 a/k/a NELSON, and JOHN DOE 2;
- (c) Failed to properly supervise WALGUARNEY, JOHN DOE 1 a/k/a NELSON, and JOHN DOE 2 in performance of their assigned tasks.

39. As a direct, proximate and foreseeable result of the negligence, SANTANA suffered bodily injury and resulting pain and suffering, disability, disfigurement, mental anguish, loss of the capacity for the enjoyment of life, medical treatment, loss of property, loss of earnings and the loss of the ability to earn money. These losses are either permanent or continuing and

SANTANA will suffer the losses in the future.

WHEREFORE, Plaintiff, LUIS SANTANA, JR .requests judgment against Defendants, RIHANNA HANNAH-LOUISE KENNY, CHRISTOPHER MAURICE BROWN, and VINTAGE ULTRA LOUNGE, LLC, for damages, together with costs of suit, and any further relief as the court may deem proper.

***Count VII: Negligent Failure to Provide Adequate Security as to Defendant,
VINTAGE ULTRA LOUNGE, LLC***

40. Plaintiff, LUIS SANTANA, JR. hereby, re-alleges and reaffirms the allegations in paragraphs one (1) through seventeen (17) above as if fully re-stated herein.

41. On May 6, 2008, Defendant, VINTAGE, failed to adequately provide security measures to ensure the safety of business invitees while in its parking area or elsewhere on its premises.

42. The security measures utilized by Defendant if any, were not sufficient to provide a reasonably safe condition for its patrons, business invitees or other individuals on the premises.

43. Defendant, VINTAGE, breached the duty of care it owed SANTANA in the following non-exhaustive list or particulars:

- a. Failure to devise, implement and follow a proper security plan, reasonably designed to protect invitees from harm;
- b. Failure to properly employ and deploy an adequate number of security personnel to reasonably protect persons on the premises.
- c. Failure to utilize reasonable and appropriate measures to protect persons on the premises when it knew or should have known of a dangerous condition on the premises.

- d. Employment of security personnel who, themselves, placed its patrons in risk of harm.

WHEREFORE, LUIS SANTANA, JR .requests judgment against VINTAGE ULTRA LOUNGE, LLC, for damages, together with costs of suit, and any further relief as the court may deem proper.

Dated this _____ day of December, 2008.

KIMSEY & DEBARI, PA

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