

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO: _____

11-12307CA 1318

MARK S. GOLD
Plaintiff

v.

TURNTABLE ENTERTAINMENT
AND PRODUCTION COMPANY,
d/b/a GOLD RUSH

-----/

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, The Plaintiff, MARK GOLD, (hereinafter "GOLD"), by and through undersigned counsel, and sues, Defendant, TURNTABLE ENTERTAINMENT AND PRODUCTION COMPANY d/b/a/GOLD RUSH (hereinafter "GOLD RUSH"), and alleges:

1. This is an action for damages in excess of Fifteen Thousand Dollars (\$15,000), and within the jurisdiction of this Court.

CLERK OF COURT
CORAL GABLES, FLORIDA 33134

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2. The incident giving rise to the claims herein occurred in Miami-Dade County, Florida.

3. At all times material hereto, Plaintiff, GOLD, was and is a resident of Miami-Dade County, Florida, is over the age of eighteen, and is otherwise *sui-juris*.

4. At all times material hereto, Defendant, GOLDRUSH, was and is a corporation organized and existing under the laws of the State of Florida, with its principal place of business in Miami-Dade County.

5. On or about November 27, through and including November 28th, 2010, Plaintiff, GOLD, entered lawfully upon the premises of defendant, GOLDRUSH, as a patron, guest, and/or business invitee.

6. At all times material hereto, the acts of defendant, GOLDRUSH, and/or its agents, ostensibly agents, servants, representatives and/or employees as alleged herein occurred during the course and scope of the defendant's GOLDRUSH's agency, servitude, representation, and/or employment.

7. At the time and place, Defendant GOLDRUSH, knowingly and continuously served plaintiff alcoholic beverages to the extent that he was rendered intoxicated, partially or temporarily unconscious, and further to the extent that he had a complete loss of judgment, rational thought, or the ability to enter into lawful contracts or agreements.

8. Defendant, GOLDRUSH, having knowingly caused Plaintiffs irrational state of mind, continued to ply him with liquor, in order to charge his credit card excessive amounts, to the extent of \$18, 930.00

9. Defendant knew, or should have known, of plaintiff's intoxicated state, having caused it.

10. That the "contract" for the purchases of goods and services, to wit, whatever defendant claims was delivered as a result of the excessive credit card charges of \$18,930.00 is voidable, as to Plaintiff, since the Defendant knew, or should have known, of the Plaintiff's intoxicated mental state.

11. Plaintiff served of defendant a notice of avoidance of contract, and demanded the return of the money paid, but said demand was refused.

12. All conditions precedent to this action have been satisfied.

13. Plaintiff has been damaged as a result of Defendants actions as more fully set forth above.

WHEREFORE, Plaintiff GOLD demands judgment against defendant GOLDRUSH, for compensatory damages in the amount of \$18, 930.00, plus interest, cost's and attorneys' fees pursuant to FS 57.105, and any other further relief this Court deems just.

COUNT II: UNFAIR AND DECEPTIVE TRADE PRACTICES

Plaintiff re-alleges and re-avers the allegations of paragraphs 1 through 13 as if fully set forth herein.

14. Defendant GOLDRUSH's actions and its agents, servants, employees, and/or representatives actions, and practices as set forth above, are unfair, unconscionable, deceptive and unlawful under Fla.Stat Sec 501.201.

15. Specifically, by intentionally causing Plaintiffs intoxication, in order to charge his credit card excessive amounts of money,

16. And, by said actions misappropriated Plaintiffs monies for defendants use and benefit.

WHEREFORE, Plaintiff demands judgment against defendant, GOLDRUSH, for compensatory damages, interest, costs, and attorneys fees pursuant to Fla.Stat. Sec. 501.2105.

NOTICE OF INTENT TO CLAIM PUNITIVE DAMAGES

Plaintiff reserves the right to assert a claim for punitive damages upon the Courts determination that the applicable statutory prerequisites have been met.

DEMAND FOR TRIAL BY JURY

Pursuant to Fla.R.Civ.P, 1.430, Plaintiff demands trial by jury of all issues so triable as of right.

Dated:

4/15/2014

Mark S. Gold

FB 359051

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