

**IN THE CIRCUIT COURT OF THE TWENTIETH
JUDICIAL CIRCUIT IN AND FOR
COLLIER COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: _____

DEIMA TORNA GARCIA,
Plaintiff,

v.

ST. MATTHEWS HOUSE, INC., a Florida
Not for Profit Corporation,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, DEIMA TORNA GARCIA, by and through the undersigned counsel, sues
Defendant, ST. MATTHEWS HOUSE, INC., a Florida Not for Profit Corporation, and alleges:

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifty Thousand Dollars (\$50,000.00), exclusive of interest, costs, and attorney's fees, and is otherwise within the jurisdiction of this Court.
2. At all times material hereto, Plaintiff DEIMA TORNA GARCIA was and is sui juris and is a resident of Lee County, Florida.
3. At all times material hereto, Defendant ST. MATTHEWS HOUSE, INC. was and is an active Florida Not for Profit Corporation, with its principal address and mailing address at 2001 Airport Road South, Naples, Florida 34112, and with its registered agent, Benjamin Bridges, located at 2001 Airport Road South, Naples, Florida 34112.

4. At all times material hereto, Defendant ST. MATTHEWS HOUSE, INC. was authorized to conduct, and was conducting, business in Collier County, Florida, and owned, operated, managed, maintained, and/or controlled the retail establishment known as the St. Matthews House Thrift Store, located at 2601 Airport Road South, Naples, Florida 34112, together with its storefront, entrances, sidewalks, parking areas, drive aisles, and perimeter fencing (hereinafter, "the Premises").
5. At all times material hereto, Defendant ST. MATTHEWS HOUSE, INC. also owned, operated, managed, maintained, and/or controlled other facilities located on or immediately adjacent to the Premises, including a residential shelter facility and a food service facility, all of which were operated as part of a single campus under the common ownership and control of Defendant.
6. At all times material hereto, Defendant ST. MATTHEWS HOUSE, INC. was responsible and vicariously liable for the acts and omissions of its agents, employees, servants, representatives, and apparent agents, including but not limited to any manager, management company, security guard, security guard company, program staff, or other individuals or entities retained or permitted by Defendant to manage, operate, staff, or provide security for the Premises.
7. This Court has jurisdiction over Defendant pursuant to section 48.193(1)(a)(1) and (2), Florida Statutes, because Defendant operated, conducted, engaged in, and carried on a business venture in the State of Florida, specifically Collier County, and committed tortious acts within the State of Florida.

8. Venue is proper in Collier County, Florida because the cause of action accrued in Collier County and Defendant maintains its principal place of business and conducts business in Collier County.
9. The St. Matthews House Thrift Store is a single-story retail store open to the general public. Defendant invited members of the public, including Plaintiff, onto the Premises for the purpose of shopping and transacting business, and derived revenue from their patronage.
10. The exterior walls of the Thrift Store consist of glass panels set in aluminum frames, with multiple glass doors across the storefront. Parking spaces for the store's patrons are located on the north, west, and south sides of the store building, and multiple vehicular entry and exit points allow access to the parking areas.
11. Although Defendant had installed perimeter fencing at the north end of the Thrift Store, that fencing contained an opening large enough to permit the passage of a motor vehicle, and that opening was aligned with the glass wall of the store, behind which business invitees shopped.
12. At no time did Defendant install bollards, guardrails, or any other fixed, impact-resistant barrier between the vehicular parking and travel areas of the Premises and the storefront, entrances, and pedestrian areas of the Thrift Store.
13. Based upon the layout, design, and configuration of the Premises, it was at all material times reasonably foreseeable that motor vehicles would be operated in close proximity to, and directly toward, the storefront and entrances of the Thrift Store, and that a motor vehicle could be driven into the store.

14. At all material times, Defendant maintained surveillance cameras throughout the interior and exterior of the Premises, and maintained the ability to record, monitor, and review footage from those cameras, including footage of the parking areas and of Defendant's adjacent properties.
15. At all times material hereto, the Premises and the areas adjacent thereto were located in a high crime area. Specifically, numerous criminal acts occurred in said area, and said criminal acts were reasonably likely to be perpetrated upon business invitees, customers, and the public unless Defendant took appropriate measures to provide reasonable security for such individuals.
16. At all times material hereto, Defendant, through its agents and employees, knew, or in the exercise of reasonable care should have known, that prior to April 10, 2025, numerous violent criminal acts, including but not limited to assaults, muggings, burglaries, and robberies, occurred on or around the Premises and throughout adjacent areas.
17. At all times material hereto, Defendant, its agents and employees, had actual or constructive knowledge of a history of criminal activity on and in the vicinity of the Premises, and knew or should have known that there was a propensity for criminal conduct by third persons generally that unreasonably exposed business invitees, including Plaintiff DEIMA TORNA GARCIA, to an unreasonably dangerous condition on the Premises that was likely to cause harm to invitees.
18. Independent of and in addition to the foregoing, Defendant possessed actual knowledge that DONALD RUSSELL specifically posed a foreseeable danger to persons upon the Premises.

19. Prior to April 10, 2025, DONALD RUSSELL was an employee of and participant in programs operated by Defendant ST. MATTHEWS HOUSE, INC., and by reason of that relationship Defendant possessed information concerning him that was not available to members of the public, including Plaintiff.
20. At all times material hereto, Defendant, through its agents and employees, knew, or in the exercise of reasonable care should have known, that DONALD RUSSELL had violent propensities and a history of mental illness and substance abuse, and that he posed a danger to the business invitees, customers, and the public upon the Premises.
21. On the morning of April 10, 2025, in the hours preceding the attack, DONALD RUSSELL loitered on and about Defendant's properties, including Defendant's shelter facility, Defendant's food service facility, and the Thrift Store, for a prolonged period. DONALD RUSSELL subsequently admitted that he had loitered in and about these areas throughout that morning.
22. During that same morning, DONALD RUSSELL entered Defendant's shelter facility, remained inside for a period of time, exited, and thereafter drove his vehicle repeatedly in and around Defendant's properties. Defendant's own surveillance cameras recorded DONALD RUSSELL driving his vehicle around Defendant's property during this period.
23. Approximately one hour before the attack, DONALD RUSSELL's wife placed a call to law enforcement reporting that he was suffering from acute psychosis, was paranoid, believed that people were attempting to kill him, and required involuntary psychiatric examination. She reported that she had followed him to Defendant's shelter facility and had observed him enter it.

24. Notwithstanding DONALD RUSSELL's known history with Defendant, his known violent propensities, his known history of mental illness and substance abuse, his prolonged and unexplained presence on and about the Premises throughout the morning of April 10, 2025, the recording of that presence by Defendant's own surveillance system, and the presence of law enforcement upon Defendant's property seeking him, Defendant took no action whatsoever to exclude him from the Premises, to warn its business invitees, to summon law enforcement, to increase security measures, or to otherwise protect the persons it had invited onto the Premises.
25. On April 10, 2025, Plaintiff DEIMA TORNA GARCIA was lawfully upon the Premises as a business invitee of Defendant, shopping inside the St. Matthews House Thrift Store.
26. On or about April 10, 2025, at approximately 10:40 a.m., DONALD RUSSELL intentionally drove a motor vehicle from the parking area of the Premises, through the opening in the perimeter fencing at the north end of the Thrift Store, and directly into and through the glass wall of the store. The vehicle did not stop at the point of impact, but continued through the interior of the store across the length of the showroom, striking patrons and store contents before coming to rest inside the building.
27. Six patrons of the Thrift Store, including Plaintiff DEIMA TORNA GARCIA, were injured as a result of this attack. DONALD RUSSELL was arrested at the scene and charged with multiple counts of aggravated battery.
28. As a result of the attack, Plaintiff DEIMA TORNA GARCIA sustained serious bodily injury.

29. Consequently, the criminal attack upon and injuries to Plaintiff DEIMA TORNA GARCIA were reasonably foreseeable, and Defendant was in a superior position to appreciate such hazards and to take the necessary measures to prevent such harm to its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA.
30. At all material times, Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, owed a duty to its business invitees, customers, and the public to exercise reasonable and ordinary care to maintain the Premises located at 2601 Airport Road South, Naples, Florida 34112 in a condition reasonably safe for use by its business invitees, customers, and the public.
31. In particular, Defendant ST. MATTHEWS HOUSE, INC. had a duty to take such precautions as were reasonably necessary to protect its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA, from reasonably foreseeable criminal attacks, including the intentional incursion of a motor vehicle onto the storefront and into the interior of the Thrift Store.
32. At all material times, Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, knew, or in the exercise of reasonable care should have known, that the Premises was in a high crime area, that numerous violent criminal acts had occurred on and around the Premises and throughout adjacent areas prior to April 10, 2025, and that such criminal acts were reasonably likely to be perpetrated upon business invitees, customers, and the public unless Defendant took appropriate measures to provide reasonable security for such individuals.

33. At all material times, Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, further knew, or in the exercise of reasonable care should have known, that DONALD RUSSELL had violent propensities and a history of mental illness and substance abuse, that he posed a danger to persons upon the Premises, and that he was present on and about the Premises throughout the morning of April 10, 2025.
34. Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, knew, or in the exercise of reasonable care should have known, that individuals, including Plaintiff DEIMA TORNA GARCIA, could not take the necessary measures to provide for their own security while upon the Premises, including within the store, the walkways, the parking areas, and the areas adjacent thereto.
35. Consequently, the criminal attack upon and injuries to Plaintiff DEIMA TORNA GARCIA were reasonably foreseeable, and Defendant ST. MATTHEWS HOUSE, INC. was in a superior position to appreciate such hazards and to take the necessary measures to prevent harm to its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA.
36. On the above-mentioned date and place, Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, breached its duty to exercise reasonable care for the safety and protection of its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA, and acted in a negligent manner through the following acts and omissions:
 - a. Failing to provide adequate security for its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA;

- b. Failing to warn its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA, of the nature and character of the surrounding area when Defendant knew, or in the exercise of reasonable care should have known, that numerous criminal incidents of a similar nature to the one herein, namely crimes against persons, occurred on or around the Premises prior to the incident which is the basis of this claim;
- c. Failing to warn, protect, guard, and otherwise secure the safety of its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA, when Defendant knew, or in the exercise of reasonable care should have known, that similar criminal acts occurred on and in the area nearby the Premises, thereby creating a dangerous condition to those individuals on the Premises;
- d. Failing to police, patrol, guard, deter, and otherwise provide adequate protection for its business invitees, customers, and the public when Defendant knew, or in the exercise of reasonable care should have known, of foreseeable criminal acts;
- e. Failing to have a sufficient number of security personnel in visible areas so as to deter crime, thereby protecting its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA, from foreseeable criminal acts;
- f. Failing to have an adequate number of security personnel to protect its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA;
- g. Failing to implement adequate security policies, measures, and procedures necessary to protect Plaintiff DEIMA TORNA GARCIA and other business invitees, customers, and the public from foreseeable criminal acts;
- h. Failing to hire and retain competent security personnel to protect its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA;

- i. Failing to properly train its security personnel and employees to be reasonably skilled, competent, and qualified to exercise appropriate security measures to protect its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA;
- j. Failing to provide an adequate number of surveillance cameras throughout the Premises, including but not limited to the storefront, walkways, parking areas, and areas adjacent thereto;
- k. Failing to position and maintain surveillance cameras such that the Premises, including the storefront, walkways, parking areas, and areas adjacent thereto, was adequately monitored and criminal activity was deterred;
- l. Failing to monitor its surveillance camera system, or to staff that system with personnel capable of observing and responding to threats captured by it;
- m. Failing to devise, implement, and enforce any policy or procedure governing the identification, reporting, exclusion, or trespass of persons known to Defendant to pose a danger to persons on the Premises;
- n. Failing to devise, implement, and enforce any policy or procedure requiring that information known to Defendant's program personnel concerning a person's dangerousness be communicated to the personnel responsible for the safety of the Thrift Store and its business invitees;
- o. Failing to train its employees and personnel to recognize, report, and respond to the presence on the Premises of a former program participant known to Defendant to pose a danger to others;
- p. Failing to exclude, trespass, remove, or otherwise deny access to DONALD RUSSELL, notwithstanding Defendant's knowledge of his violent propensities and his prolonged and unexplained presence on and about the Premises on the morning of April 10, 2025;
- q. Failing to summon law enforcement, or to take any other protective action, upon observing or having the means to observe the prolonged and unexplained

presence of DONALD RUSSELL on and about the Premises on the morning of April 10, 2025;

- r. Failing to take proper action once the assailant's presence was detected on the Premises;
- s. Failing to install fixed protective barriers, such as bollards, guardrails, or equivalent impact-resistant devices, between the vehicular parking and travel areas of the Premises and the storefront, entrances, and pedestrian areas where business invitees regularly walked and shopped;
- t. Failing to separate vehicular traffic and parking areas from the pedestrian storefront and entrance areas despite knowing that vehicles would be operated and maneuvered immediately adjacent to the storefront located on the Premises;
- u. Designing, configuring, maintaining, and operating the Premises in a manner that permitted motor vehicles to access the pedestrian storefront and entrance areas directly, without any physical barrier or protection;
- v. Failing to close, gate, narrow, or otherwise secure the openings in the perimeter fencing of the Premises so as to prevent the passage of a motor vehicle toward the storefront;
- w. Failing to recognize and address the foreseeable risk that a motor vehicle would be driven into the storefront and interior of the Thrift Store, whether accidentally or intentionally;
- x. Failing to comply with reasonable industry practices which recognize and recommend the use of bollards or other vehicle-impact protective barriers at storefronts exposed to adjacent parking and traffic areas;
- y. Failing to conduct any reasonable assessment of vehicle-into-building risks despite the layout and configuration of the parking areas, drive aisles, perimeter fencing, and pedestrian storefront;
- z. Failing to retrofit the Premises with barriers or bollards despite the longstanding design condition permitting uncontrolled vehicular access to the storefront area;

- aa. Failing to implement any policy, standard, or procedure regarding protection of the storefront and its occupants from vehicle impact hazards;
 - bb. Failing to take additional security measures once on notice that the security measures then in force were inadequate;
 - cc. Failing to adequately provide an overall security plan that met known industry standards and customs for safety in the community;
 - dd. Failing to provide gates, guards, barriers, or other means of access control adequate to keep persons known to be dangerous off the Premises;
 - ee. The preceding subparagraphs, individually and as a whole, represent strict and clear deviations from the existing standard of care with regard to security, as recognized by similar retail establishments and similar facilities in the community; and
 - ff. Additional acts of negligence not yet discovered.
37. Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, negligently failed to devise any procedures governing the inspection, supervision, and security of the area where the subject incident occurred; or in the alternative, Defendant devised such procedures but negligently and carelessly failed to implement them; or in the alternative, Defendant devised such procedures and implemented same in a careless and negligent manner.
38. At all material times, Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, negligently failed to hire persons, employees, and agents reasonably suited to provide, implement, and maintain adequate security measures to ensure the safety of its business invitees, customers, and the public.

39. Defendant ST. MATTHEWS HOUSE, INC., through its agents and employees, created and/or allowed to be created said dangerous conditions upon the Premises. Further, Defendant failed to warn its business invitees, customers, and the public, including Plaintiff DEIMA TORNA GARCIA, of the existence of said dangerous conditions; or in the alternative, allowed said dangerous conditions to exist for a length of time sufficient in which a reasonable inspection would have disclosed same.
40. The negligence of Defendant ST. MATTHEWS HOUSE, INC. proximately caused injury to Plaintiff DEIMA TORNA GARCIA and directly led to the criminal attack upon her in that:
- a. The Premises had inadequate and/or no visible deterrents to prevent said criminal attack;
 - b. The Premises had inadequate and/or no physical deterrents to prevent said criminal attack;
 - c. A person known to Defendant to pose a danger to others was permitted to remain upon and about the Premises, unchallenged and unexcluded, in the hours immediately preceding the attack;
 - d. Criminals could carry out attacks upon Defendant's Premises without fear of being caught, discovered, deterred, or prevented; and
 - e. Defendant created and maintained an atmosphere on the Premises that facilitated the commission of crimes against persons.
41. As a direct and proximate result of the negligence of Defendant ST. MATTHEWS HOUSE, INC., Plaintiff DEIMA TORNA GARCIA suffered bodily injury and resulting pain and suffering, disability, physical impairment, disfigurement, mental anguish, inconvenience, aggravation of an existing disease or physical defect or activation of a latent

condition, and loss of capacity for the enjoyment of life; has incurred the expense of hospitalization, medical and nursing care and treatment; and has suffered a loss of earnings and a loss of the ability to earn money. These losses are either permanent or continuing in nature, and Plaintiff will suffer such losses in the future. Plaintiff is entitled to recover all such damages sustained in the past and to be sustained in the future.

WHEREFORE, Plaintiff DEIMA TORNA GARCIA sues Defendant ST. MATTHEWS HOUSE, INC. for all damages available under Florida law including, but not limited to, in the past and future: incurred medical costs and expenses, pain and suffering, disability, disfigurement, and loss of the capacity for the enjoyment of life, lost wages, and loss of ability to earn income, and demands judgment against it for damages exclusive of attorney's fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court, together with the taxable costs of this action, and demands trial by jury of all issues so triable as of right.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable as of right by a jury.

DATED this August 10, 2026.

THE HAGGARD LAW FIRM, P.A.

Attorneys for Plaintiff

330 Alhambra Circle
Coral Gables, Florida 33134
Telephone: (305) 446-5700
Facsimile: (305) 446-1154

BY: /s/ TODD J. MICHAELS

Todd J. Michaels, Esquire
Florida Bar No. 568597
tjm@haggardlawfirm.com
jbush@haggardlawfirm.com