

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT, IN AND FOR
MONROE COUNTY, FLORIDA

SKYLAR CARDEN,

CASE NO.:

Plaintiff,

vs.

NICKOLAS CARTER,

Defendant.

_____ /

COMPLAINT

COMES NOW, the Plaintiff, Skylar Carden, by and through the undersigned counsel, and sues the Defendant, Nickolas Carter (hereinafter “Nick Carter”), and alleges:

GENERAL ALLEGATIONS AS TO ALL COUNTS

1. This is an action for damages in **excess** of Fifteen Thousand (\$15,000.00) Dollars, exclusive of interest and costs.
2. At all times material hereto and at the time of the incident complained of, Plaintiff, Skylar Carden was a resident of Key West, Monroe County, Florida and is sui juris.
3. At all times material hereto and at the time of the incident complained of, Defendant, Nick Carter, was a resident of Tennessee and is sui juris.
4. On or about January 13, 2016, Plaintiff was in the course and scope of his employment as at Hogs Breath Saloon located at or near 400 Front Street, Key West, FL 33040 in Key West, Monroe County, Florida.
5. On or about January 13, 2016, the Defendant, Nick Carter, was a patron at the Hogs Breath Saloon in Key West, Florida.

6. On or about January 13, 2016, at approximately 6:55 p.m., Defendant, Nick Carter, was refused service at Hogs Breath Saloon due to his unruly and disrespectful behavior.

7. Defendant, Nick Carter, was asked to leave Hog's Breath many times and remained uncooperative but was finally able to be escorted out of the establishment and into the parking lot. However, Nick Carter remained uncooperative and tried to re-enter, at which time the Plaintiff, Skylar Carden, politely told him that he was not allowed to re-enter.

8. Knowing that he was denied entry, Defendant, Nick Carter, became aggressive, using physical force and violently attacking Skylar Carden by striking and choking the Plaintiff.

9. As a direct and proximate result of the aforescribed actions of Defendant, Nick Carter, Plaintiff was seriously and severely injured as more fully set forth herein.

COUNT I – BATTERY

Plaintiff, Skylar Carden realleges and reavers each and every allegation set forth in paragraphs 1 through 9 as though fully set forth herein and further states:

10. Defendant, Nick Carter, committed a harmful and offensive contact with the Plaintiff, Skylar Carden, by striking and choking the Plaintiff. Defendant's conduct was willful, wanton, and calculated to cause harm to the Plaintiff.

11. As a direct and proximate result of the aforescribed Battery, Plaintiff suffered bodily injury, mental anguish, pain and suffering. The losses are either permanent or continuing in nature and Plaintiff will continue to suffer the losses in the future.

WHEREFORE, Plaintiff, Skylar Carden, demands judgment against Defendant, Nick Carter, for compensatory damages, court costs and such further relief as this Court deems just and reasonable.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable by right.

Dated this 25th day of January, 2016.

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