

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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ALEXANDER S. BRADLEY,

13 Civ.

Plaintiff,

**COMPLAINT**

-against-

**JURY TRIAL DEMANDED**

AARON HERNANDEZ,

Defendant.  
-----x

Plaintiff, by his attorneys, Jaroslawicz & Jaros LLC and Waks & Barnett, P.A.,  
complaining of the defendant, alleges as follows:

**THE PARTIES**

1. At all times hereinafter mentioned, plaintiff is a citizen of the State of Connecticut.
2. At all times hereinafter mentioned, defendant is a citizen of the State of Massachusetts.

**JURISDICTION AND VENUE**

3. That the amount in controversy exceeds the sum of \$100,000, exclusive of interest and costs.
4. That this Court has jurisdiction over the parties by reason of diversity of citizenship and the amount in controversy, pursuant to 28 U.S.C. 1332.

5. Pursuant to 28 U.S.C. 1391(b)(2), venue is properly placed in the United States District Court for the Southern District of Florida since this is the place where all the events occurred and this is the most convenient place for the trial of this action.

**THE UNDERLYING FACTS**

6. That on or about February 13, 2013, the plaintiff and defendant, with a group of other people, went to spend the evening at Tootsie's a strip club located in Miami, Florida.

7. That while at the club in question, plaintiff and defendant had an argument.

8. Thereafter plaintiff and defendant and two other persons were driving from Miami towards Palm Beach, Florida.

9. Defendant had in his possession a gun. The gun discharged.

10. That at all times material, the defendant owed the duty to use reasonable care while he was with the plaintiff.

**AS AND FOR A FIRST CLAIM FOR RELIEF**

**NEGLIGENCE**

11. Defendant caused the gun to go off while aiming it at the plaintiff.

12. That the defendant breached the duty of care which he owed to the plaintiff and was negligent and grossly negligent in one or more of the following manners:

- (a) Defendant caused plaintiff to be shot;
- (b) Defendant failed to use the gun in a proper manner;
- (c) Defendant possessed a gun which he was not legally licensed to have;
- (d) Defendant failed to be properly trained in the use of firearms; and

(e) Defendant was otherwise reckless, careless and negligent.

13. That as a direct and proximate result of the negligence of the defendant as described, plaintiff suffered bodily injury, including loss of his right eye; multiple surgeries in the area of the right eye to reconstruct his face and plaintiff will require additional surgeries; plaintiff had plates and screws inserts in the right side of his face; pain and twitches; jaw pain and TMJ; headaches; difficulty eating; plaintiff requires a bite plate; plaintiff also suffered injury to his right dominant hand and arm, requiring surgery and may require further surgery; extreme pain and suffering; mental anguish and distress; cosmetic deformity; scarring; plaintiff will require extensive medical care and treatment for the rest of his life; plaintiff has become substantially disabled; unable to attend to his usual duties and vocation; and plaintiff has been otherwise damaged, all of which damages are permanent in nature and continuing into the future.

14. By reason of the defendant's gross negligence, plaintiff is entitled to recover all damages, including actual and punitive damages from the defendant.

**AS AND FOR A SECOND CLAIM FOR RELIEF**

**INTENTIONAL TORT**

15. Plaintiff repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

16. That the defendant's actions in having the gun discharge while aimed at the plaintiff were deliberate and with the intent by defendant to cause harm to plaintiff.

17. As a result of the intentional acts by defendant, plaintiff suffered severe and permanent personal injuries as set forth above.

18. By reason of the defendant's intentional conduct, plaintiff is entitled to recover all damages, including actual and punitive damages from the defendant.

WHEREFORE, plaintiff demands judgment for damages against the defendant, both actual and punitive damages, as well as costs of this action, for prejudgment interest, for trial by jury, and any other relief deemed just and appropriate by this Honorable Court.

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