

OF COUNSEL

A report to clients and attorneys.
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Negligent Security at Apartment Complex Blamed for Visitor's Violent Death

Case settled at confidential seven-figure amount

In January 2003, Amparo Vidal and her husband, Aristides Milian, were in Orlando, Florida, visiting Amparo's father. The newlyweds had just recently returned from Italy, where they were married. The family was celebrating the couple's marriage and the good news that Amparo was expecting the couple's first child. In Orlando, Amparo's father lived at an apartment complex that, unknown to the family, was a haven for crime. Even worse, the apartment complex and its management company had turned a blind eye to crime, despite the fact that the police had been called to the complex to respond to criminal activity nearly every day over the previous three years.

On January 16, 2003, the inevitable occurred. Amparo and her father were inside the apartment. Aristides had stepped outside to talk on his phone. A few moments later they heard a "pop." They thought it was probably some fireworks going off nearby. When emergency vehicles began arriving just outside, they became concerned. Amparo and her father stepped outside and found Aristides lying in a pool of blood from a gunshot wound. A few hours later, Aristides was pronounced dead. Amparo was grief-stricken over the sudden loss of her husband, and the knowledge that her baby would never know his wonderful father. She was emotionally devastated and physically suffering. For months, she had to be closely watched because she was in danger of losing her baby. The birth of her son was bittersweet because Aristides was not there.

Belatedly realizing the dangerous environment that surrounded the apartment complex where her father lived, Amparo hired SDSBS attorneys **Chris Searcy, Darryl Lewis** and **Sia Baker-Barnes** to represent her family in an action charging negligence by the apartment complex's management and security companies. A detailed investigation revealed that the apartment complex owners, its management company, and its security company had failed in several ways to maintain the premises in a reasonably safe manner. The owners and the management company admitted that they did not evaluate the level of criminal activity at the complex, that they failed to take any steps to determine the risk of harm to residents and guests of the complex, and that, even after the police were called to the premises every day, they did absolutely nothing to address the problem of safety. *(Continued on page six.)*



When Amparo Vidal and her husband, Aristides Milian, visited Amparo's father, they did not realize they had stepped into a deadly crime zone. Aristides was fatally shot just outside his father-in-law's apartment. The family soon discovered that the apartment complex owners, its management company, and its security company had conspired to hide the dangers of rampant crime throughout the complex. This negligence cost Aristides his life.

**Special insert:
Chris Searcy
named one of
Florida's 'Super Lawyers'**



Speaking Opportunities



Chris Searcy

Chris Searcy spoke at the Florida Justice Association Workhorse Seminar held February 27, 2009, at Walt Disney World, Florida. His topic was "Voir Dire, Opening Statement, and Summation: Proof and Argument of the Element of Damages of Loss of Enjoyment of Life."

On March 5, 2009, Mr. Searcy spoke at The Florida Bar "Topics in Evidence" Seminar, in Tampa, Florida. His topic was "Cross Examination."

On June 12, 2009, Mr. Searcy spoke at the 2009 Annual Seminar of the American Board of Professional Liability Attorneys, held in New Orleans, Louisiana. His topic was "Medical Negligence: A Perspective on Litigation." ■



Greg Barnhart

On February 10, 2009, **Greg Barnhart** presented "Trial Skills: Use of Experts, Frye Motions, and Trial Motions" during the Florida Bar Civil Trial Certification Review Course Seminar held in Tampa, Florida. ■



Brenda Fulmer

In June 2009, **Brenda Fulmer** presented the topic "Overview of Various Hot Mass Tort Projects" to the 2009 Annual Conference of InjuryBoard.com, a community of personal injury law firms, attorneys, safety industry experts, and consumer advocates committed to making a difference by helping

people avoid injury and recover their lives after an accident. The organization is supported by a carefully selected membership of legal professionals concerned about public safety and the preservation of the civil justice system through public education.

Ms. Fulmer also spoke at the Florida Justice Association's 2009 Annual Convention held June 17-19, 2009, in Miami, Florida. She spoke at the Convention's session on "Tools for Proven Results: Advanced Skills for Top Paralegals and Legal Assistants – Advanced Track." Her topic was "An In-Depth Analysis of the Wyeth v. Levine Decision and the Impact on Your Client's Case." ■



Darryl Lewis

On February 11, 2009, SDSBS attorney **Darryl Lewis** spoke at the American Association for Justice Convention held in New Orleans, Louisiana. Mr. Lewis' topic was "Cross of Defense Damages, Witnesses and Damages in Closing." ■



John Hopkins

SDSBS paralegal **John Hopkins** spoke at the Florida Justice Association's 2009 Annual Convention held June 17-19, 2009, in Miami, Florida. Mr. Hopkins spoke on "Tools for Proven Results – Advanced Skills for Top Paralegals and Legal Assistants – Intermediate Track." His topic was

"Exploring and Conquering Your Case from Intake to Investigation and Discovery." ■

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(Continued from page one.)

In fact, the apartment's entry gate, designed to prevent criminals and other unauthorized persons from entering the complex, was broken on the day that someone entered and killed Aristides Millan. The gate had been broken for some time. Yet the complex continued to charge residents for remote devices that were supposed to operate the gate. The defendants admittedly failed to take any steps to have the gate repaired in a reasonable time frame. Apartment managers also admitted that when prospective renters were given tours of the complex, rental associates had been instructed not to discuss the history of crime at the complex, and to address it "only if they were asked."

In addition, when the owners and the management company hired a security company prior to this incident, they admitted that the security company was specifically instructed not to protect the residents and guests, but only to look after the "goods of the company," i.e., laundry room change machines. Despite the fact that the contract called for the security company to be on duty seven days per week, no security guard was on the premises when Aristides was shot and killed. SDSBS attorneys obtained the budgets for the apartment complex and management company which detailed the company's policy of profits over safety – including a large budget for landscaping and ground maintenance and a minimal allotment for security.

The owners and management company failed to take any steps to determine the risk of harm to residents and guests of the complex. Even after the police were called to the premises every day, they did absolutely nothing to address the problem of safety.

The defense argued vehemently against any liability in the case. The apartment complex owners and the management company argued that the plaintiffs could not prove their case because the perpetrator had never been identified. They further claimed that the rental contracts precluded any liability. The security company claimed that its responsibility was limited to protecting "the goods of the company," and that no security guard was scheduled to be on duty on the evening of the shooting. Following three years of hard-fought litigation, and just before the trial was to begin, the case was settled for a confidential seven-figure amount for Amparo Vidal, her baby son Aristides II, and Aristides' daughter, Alexa Millan. ■