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NO. _____ **JEFFERSON CIRCUIT COURT**
DIVISION ( ) _____
ELECTRONICALLY FILED **JUDGE _____**

SARA GONZALEZ **PLAINTIFF**

vs. **COMPLAINT AND DEMAND FOR JURY TRIAL**

JEFFERSON MALL CMBS, LLC
SERVE REGISTERED AGENT
Corporation Service Company
421 West Main Street
Frankfort, KY 40601

and

JEFFERSON MALL COMPANY II, LLC
SERVE REGISTERED AGENT
Corporation Service Company
421 West Main Street
Frankfort, KY 40601

and

CBL & ASSOCIATES LIMITED PARTNERSHIP
SERVE REGISTERED AGENT
Corporation Service Company
421 West Main Street
Frankfort, KY 40601

and

CBL & ASSOCIATES MANAGEMENT, INC.
SERVE REGISTERED AGENT
Corporation Service Company
421 West Main Street
Frankfort, KY 40601

and

CBL & ASSOCIATES MANAGEMENT SUB, LLC
SERVE REGISTERED AGENT
Corporation Service Company
421 West Main Street
Frankfort, KY 40601

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and

CBL PROPERTIES, LLC
SERVE REGISTERED AGENT
Charles B. Burns, Jr.
175 Spring St. NW
Cleveland, TN 37311-5049

and

CBL PROPERTY MANAGEMENT, LLC
SERVE REGISTERED AGENT
Darrell Craig Simmons
6135 Fairmont Court
Owensboro, KY 42303

and

MYRON WORLEY
SERVE VIA CERTIFIED MAIL AND
JEFFERSON COUNTY SHERIFF AT:
Jefferson Mall Management Office
4801/302 Outer Loop
Louisville, KY 40219

and

JIM HOWARD **DEFENDANTS**
SERVE VIA CERTIFIED MAIL AND
JEFFERSON COUNTY SHERIFF AT:
Jefferson Mall Security Office
4801/302 Outer Loop
Louisville, KY 40219

* * * * *

Comes the Plaintiff, Sara Gonzalez, by and through counsel, and for her cause of action against the Defendants Jefferson Mall CMBS, LLC; Jefferson Mall Company II, LLC; CBL & Associates Limited Partnership; CBL & Associates Management, Inc.; CBL & Associates

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Management Sub, LLC; CBL Properties, LLC; CBL Property Management, LLC; Myron Worley; and Jim Howard, states as follows:

1. The actions and events complained of in this Complaint occurred in Jefferson County, Kentucky.

2. Plaintiff's claims against the Defendants exceed the jurisdictional dollar amount necessary to establish proper jurisdiction in this Court.

3. Sara Gonzalez is, and was at all times relevant herein, a resident of Louisville, Jefferson County, Kentucky.

4. At all times mentioned herein, Defendant Jefferson Mall CMBS, LLC, was and is a foreign corporation registered to do business and doing business in Jefferson County, Kentucky.

5. At all times mentioned herein, Defendant Jefferson Mall Company II, LLC, was and is a foreign corporation registered to do business and doing business in Jefferson County, Kentucky.

6. At all times mentioned herein, CBL & Associates Limited Partnership was and is a foreign corporation registered to do business and doing business in Jefferson County, Kentucky.

7. At all times mentioned herein, CBL & Associates Management, Inc., was and is a foreign corporation registered to do business and doing business in Jefferson County, Kentucky.

8. At all times mentioned herein, CBL & Associates Management Sub, LLC, was and is a foreign corporation registered to do business and doing business in Jefferson County, Kentucky.

9. At all times mentioned herein, CBL Properties, LLC, was and is a foreign corporation registered to do business and doing business in Jefferson County, Kentucky.

10. At all times mentioned herein, CBL Property Management, LLC, was and is a Kentucky corporation registered to do business and doing business in Jefferson County, Kentucky.

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11. Hereinafter, Defendants Jefferson Mall CMBS, LLC; Jefferson Mall Company II, LLC; CBL & Associates Limited Partnership; CBL & Associates Management, Inc.; CBL & Associates Management Sub, LLC; CBL Properties, LLC; and CBL Property Management, LLC, will be referred to as "CBL Defendants."

12. At all times mentioned herein, CBL Defendants owned and operated the property known as the "Jefferson Mall" located at 4801/302 Outer Loop, Louisville, KY 40219.

13. At all times mentioned herein, Myron Worley is believed to have been a resident of Louisville, Jefferson County, Kentucky.

14. At all times mentioned herein, Jim Howard is believed to have been a resident of Louisville, Jefferson County, Kentucky.

15. At all times relevant to this case, Myron Worley, as property manager of the Jefferson Mall, and Jim Howard, as head of security for the Jefferson Mall, were employed by CBL Defendants.

16. At all times relevant to this case, the CBL Defendants acted through the conduct of their employees, and such persons were employed by and/or acting on behalf of the CBL Defendants within their respective capacities and scopes of employment, making the CBL Defendants vicariously liable for the negligent acts of their employees under the doctrine of *respondeat superior*.

17. On or about September 19, 2020, Plaintiff was working as the manager at the Jimmy Jazz store located in the Jefferson Mall.

18. On that date, Jimmy Jazz conducted a shoe release event, in which a new model of shoe was released to the public.

19. Due to COVID-19 protocols, only five customers were allowed inside the Jimmy Jazz store at a time.

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20. Due to the event, a large crowd gathered outside the store.

21. Plaintiff called the Jefferson Mall security office and asked for help.

22. Representatives of the Jefferson Mall security office declined to provide help.

23. On or about September 19, 2020, around 11:00 a.m., a dispute arose in the crowd outside the Jimmy Jazz store.

24. On or about September 19, 2020, around 11:00 a.m., multiple gunshots were fired within or near the crowd.

25. Due to the shooting, patrons of the Jefferson Mall panicked and ran.

26. Plaintiff was trampled by patrons of the Jefferson Mall and sustained severe injuries.

27. At the time and place described above, Myron Worley and Jim Howard were responsible for ensuring adequate security throughout the Jefferson Mall.

28. At the time and place described above, the CBL Defendants, Worley, and Howard failed to act with reasonable care in their duty to provide proper security and screening and to protect patrons and employees of stores within the Jefferson Mall, including Plaintiff, from reasonably foreseeable harm.

29. At the time and place described above, the CBL Defendants were negligent in the hiring, retention, supervision and monitoring of their agents, servants and/or employees responsible for security at the Jefferson Mall.

30. As a direct and proximate result of the negligence and carelessness of the CBL Defendants, Worley, and Howard, as described above, a dispute occurred near the Jimmy Jazz store in the Jefferson Mall and multiple gunshots were fired, resulting in Plaintiff sustaining serious injuries.

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31. As a direct and proximate result of the negligence and carelessness of the CBL Defendants, Worley, and Howard, as described above, Plaintiff suffered and continues to suffer physical pain and mental anguish from her injuries.

32. As a direct and proximate result of the negligence and carelessness of the CBL Defendants, Worley, and Howard, as described above, Plaintiff incurred and continues to incur medical costs and lost wages in an amount in excess of the minimum jurisdiction of this Court.

33. As a direct and proximate result of the negligence and carelessness of the CBL Defendants, Worley, and Howard, as described above, Plaintiff's power to labor and earn money is impaired in an amount in excess of the minimum jurisdiction of this Court.

34. The actions of CBL Defendants, Worley, and Howard were wonton, reckless, and in extreme indifference to the safety of patrons and employees of stores within the Jefferson Mall, including Plaintiff.

35. The actions of the CBL Defendants, Worley, and Howard on or about September 19, 2020 constitute gross negligence.

36. The actions of CBL Defendants, Worley, and Howard warrant punitive damages.

WHEREFORE, the Plaintiff, Sara Gonzalez, demands judgment against the Defendants Jefferson Mall CMBS, LLC; Jefferson Mall Company II, LLC; CBL & Associates Limited Partnership; CBL & Associates Management, Inc.; CBL & Associates Management Sub, LLC; CBL Properties, LLC; CBL Property Management, LLC; Myron Worley; and Jim Howard as follows:

a. For compensatory damages in an amount exceeding the minimum jurisdiction of this Court;

b. For a trial by jury on all issues so triable;

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c. For punitive damages;

d. For her costs herein expended;

e. For prejudgment interest; and

f. For any and all other relief which she may appear to be entitled.

Respectfully submitted,

/s/ Justin B. May

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