

Miami Hotel Suit Offers 'Savage' Example of How Businesses Can Be Exposed to Premises Liability Claims

by Raychel Lean

Miami's Leesfield Scolaro has witnessed the aftermath of many violent crimes at hotels in its 40 years of handling negligent security cases, but partner Justin Shapiro's latest lawsuit involves one of the "most savage attacks" the firm has ever seen.

It's a case that should remind businesses why it's crucial to provide security measures that are relative to the premises and its surrounding area, according to Shapiro.

That's because it involves New York tourists who were brutally beaten, strangled, bitten and sexually assaulted by a man who walked into a Miami hotel that had already played host to a litany of violent crimes.

"This was not just a hotel in a high-crime area. This was a high-crime hotel," Shapiro said. "The Miami-Dade Police Department tells us there were more than 1,200 calls for police service at this hotel in the five-year period leading up to this incident."

That included more than 100 assaults and burglaries, as well as robberies, shootings, narcotics investigations and weapons charges, according to police incident logs. Shapiro said that heightens a hotel owner's obligation to implement preventative security.

"Otherwise, they're just creating a haven for criminals," Shapiro said.

In this case, surveillance footage revealed that hotel employees, including a security guard, saw the attack and did nothing to stop it.



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'STUNNING DISPLAY OF INCOMPETENCE'

The plaintiffs, referred to as N.N. and A.M. in the complaint, were staying at the Rodeway Inn on NW 167th St. when the attack happened on July 10.

It began with a knock on the door of the couple's seventh-floor guest room, according to Shapiro, who said the husband was immediately punched in the face when he opened the door. His wife was not in the room, having left to get towels.

The alleged assailant, 22-year-old Travon Smith, was not a guest at the hotel but managed to make it to their floor without being stopped or questioned, Shapiro said.

The lawsuit claims the assailant then beat and strangled the husband until his wife returned. Before she could leave to get help, Shapiro said the attacker chased her into the hallway, then punched and strangled her.

Hotel staff and security guard rushed to the seventh floor after housekeepers reported the attack. But what allegedly happened next is something Shapiro argues exposes the hotel to serious negligence claims.

"They are standing over this perpetrator as he is strangling and beating our client," Shapiro said. "As our client is screaming for help, the hotel representatives and security guard stand there and do absolutely nothing. It's a stunning display of incompetence."

The assailant, it is alleged, then dragged the woman onto an elevator alone, bringing her to the second floor, where he continued his attack and forced her to perform oral sex.

Shapiro said the ordeal continued until police arrived. But he argues that because of the level of crime at the hotel, it should have had multiple armed security guards ready to respond to violent criminals "with appropriate force and without delay,"

"They did not come close to meeting their legal duties or their moral duties to protect their guests here," Shapiro said.

Kendall security service Supra Security Inc. declined to comment on the case, while the Rodeway Inn did not immediately respond to a call. The defendants have not yet retained attorneys, according to online case files.

The alleged attacker, Smith, is in Miami-Dade County Jail while his criminal case is pending. His attorney, Miami-Dade Assistant Public Defender Robert Valdes, did not immediately respond to a request for comment.

'NEVER ENDING' INVESTIGATION

A negligent security investigation should be "never

ending," in Shapiro's experience, because establishing what security measures should have been in place means litigators need to find out every detail about the property, its surrounding area and the corporations involved.

"Your investigation is going to include discovery, but it's also going to include public records requests. It's going to require investigators, boots on the ground and a lot of discussions with people in the surrounding area, so you can have a good feel for the character of the location," Shapiro said.

Shapiro said his clients had been in Miami with a view to buying a condo for retirement. Now, the wife will likely be left with a permanent brain injury, emotional trauma and cognitive impairment. She also has facial and rib fractures and a laceration on her forehead, where she was bitten.

Miami-Dade Circuit Judge Barbara Areces will preside over the litigation.

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