

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA
COUNTY, FLORIDA**

MARIA ZUBIETA,
Plaintiff,

CASE NO.: 2026 10__ CICI

v.

KESTREL HOME CENTER, LLC,
a Florida limited liability company,
Defendant.

_____/

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, MARIA ZUBIETA, sues Defendant, KESTREL HOME CENTER, LLC, and alleges:

1. This is an action for damages that exceed \$50,000, exclusive of interest, costs, and attorney's fees.
2. Plaintiff is a resident of Volusia County, Florida.
3. Defendant is a Florida limited liability company that owns and operates a retail home improvement store in Daytona Beach, Volusia County, Florida (the Store).
4. Venue is proper in Volusia County because the cause of action accrued there.
5. On October 18, 2025, Plaintiff was a business invitee at the Store.
6. At about 11:20 a.m., Plaintiff slipped on a blue liquid on the floor of aisle 14 and fell, striking her left hand and wrist on the floor.
7. The liquid was floor cleaner leaking from a damaged container on a lower shelf of aisle 14.
8. Defendant owed Plaintiff a duty to keep the Store in a reasonably safe condition and to warn her of dangers it knew or should have known about.
9. Defendant had actual or constructive knowledge of the liquid, because it had been on the floor long enough that, in the exercise of ordinary care, Defendant should have known of it, and because leaks from containers on that shelf occurred with regularity.
10. Defendant breached its duty by failing to inspect the aisle, clean up the liquid, or warn Plaintiff of it.
11. As a direct result, Plaintiff suffered a fractured left wrist that required surgery, and she has suffered pain, disability, mental anguish, loss of capacity for the enjoyment of life, medical expenses, and lost earnings. Her losses are permanent or continuing, and she will suffer them in the future.

WHEREFORE, Plaintiff demands judgment for damages against Defendant, together with costs, and demands trial by jury on all issues so triable.

Dated April 14, 2026.

TEMKO & EDEN, P.A.

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Counsel for Plaintiff