

# Florida



**LUKS, SANTANIELLO**  
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## Net Verdict of \$148,360: Wrongful Death Negligent Security



Managing Partners Daniel Santaniello, Esq. and Todd Springer, Esq. obtain a favorable result in wrongful death negligent security matter styled Anabele L. Sitts, individually and as Personal Representative of Nicholas John Lim Sitts v. First Coast Security Services, Inc.

Plaintiff asked the jury for \$50 Million in opening and then ultimately \$1,000,000 per year for 29.5 years, which amounted to \$29,500,000. The jury returned a verdict for \$2,967,200. However, the jury apportioned 70% negligence to Mr. Sitts, the decedent, 25% negligence to Fabre Defendant, Zachary Ames and only 5% negligence to Defendant, First Coast Security Services resulting in a net verdict of \$148,360. First Coast was the only defendant remaining at the time of trial as Zachary Ames and the Pablo Creek Homeowner's Association had settled out for a confidential sum pre – trial.

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Mr. Sitts was a 20-year-old student who had received a Bright Futures scholarship. He was invited to the home of Zachary Ames located in the neighborhood of Pablo Creek Reserve. While at the home, Mr. Ames gave Mr. Sitts marijuana to smoke knowing it was his first-time smoking marijuana. Shortly after smoking the marijuana the decedent's demeanor changed. He became violent and paranoid. He left the home and began walking through the neighborhood when he was stopped by a First Coast Security Officer.

Around this time, Mr. Ames and another friend, Alexander McIntyre, arrived on the scene. They attempted to force Mr. Sitts into their vehicle by allegedly placing him in a chokehold and tackling him to the ground. The officer denied the extent of the touching but did say they attempted to hold him and force him into the car. Mr. Sitts broke free and ran deeper into the community. The officer called 911 advising that there was a trespasser that refused to leave the property. While on the phone with the 911 dispatcher, the officer was asked several questions while he followed Mr. Sitts into a cul-de-sac. Mr. Sitts then went behind a private residence and drowned in a lake.

### Todd Springer

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The Plaintiff alleged that First Coast Security failed to adequately discharge their security duties which was a contributing cause of the death of Mr. Sitts. Specifically, it was alleged that the First Coast Security Officer was negligent in the following:

1. Failing to allow Sitts use of his cell phone at the scene to call his parents for help
2. Negligently allowing McIntyre and Ames to physically attempt to force Sitts into their chair
3. Abandoning Sitts in the cul-de-sac when the 911 operator said wait for the police
4. Abandoning Sitts in the cul-de-sac when his post orders required monitoring the situation
5. Failing to attempt to warn Sitts of the lake when he knew the decedent was trying to escape
6. Failing to properly report the assault and impairment to the 911 operator which would have allegedly result in a faster response time than the one-hour it took for JSO to arrive
7. Failing to notify the resident that Sitts had gone behind the home
8. Failing to allow Sitts into his vehicle when he asked for help
9. Allegedly chasing Sitts and causing him to flee behind a house and into the lake
10. Failing to properly report Sitts was using drugs or alcohol to the 911 operator when the question was asked

First Coast Security denied it was negligent and that its officer's actions were the legal cause of Mr. Sitts death. Furthermore, First Coast Security alleged that Mr. Sitts was comparatively negligent for his own death as was Fabre Defendant, Mr. Ames, for not advising the police or the officer of Mr. Sitts combatant behavior following the use of marijuana.