

IN THE CIRCUIT COURT OF THE
15th JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO. 50 2010 CA 02 6764XXXX NB

SEYMOUR REINER, as Personal
Representative of the Estate of
SIDELL REINER, deceased,

Plaintiff,

v.

COMCAST CABLE HOLDINGS, LLC,

Defendant.

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SHARON R. BOCK
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CIRCUIT CIVIL DIVISION

AG

COMPLAINT FOR DAMAGES

The Plaintiff, Seymour Reiner, as Personal Representative of the Estate of Sidell Reiner, deceased, sues the Defendant, Comcast Cable Holdings, LLC (Comcast) and alleges:

JURISDICTIONAL STATEMENT AND IDENTIFICATION OF PARTIES

1. This is an action for damages in excess of the jurisdictional limits of this Court. Seymour Reiner is or will be the duly appointed Personal Representative of his deceased wife, Sidell Reiner.
2. Seymour and Sidell Reiner were subscribers to Comcast telephone services, at their address at 9783 Lemonwood Way, Boynton Beach, Florida.
3. Defendant Comcast, a private cable and telephone service, maintains and operates a bundled service which includes telephone, and cable television. The Reiners had this service prior to and at the time of the below-described incident.

4. Venue is proper in Palm Beach County, Florida where the below-described cause of action arose.

5. Any and all conditions precedent to the maintenance of this action have been complied with.

FACTS GIVING RISE TO CAUSE OF ACTION

6. On or about November 26, 2009, Mrs. Reiner, age 81, was in her home preparing Thanksgiving dinner for her husband and her grandchildren who were on their way to visit. Mr. Reiner left for the airport to pick up his grandchildren. While she was setting the table, a piece of glassware dropped on Mrs. Reiner's foot. This caused an incised wound which was bleeding heavily. Mrs. Reiner was barely able to get to the phone to call for help.

7. Just prior to 9:25 A.M., Mrs. Reiner dialed 0 on her telephone asking for emergency help. The Comcast operator "Kim" answered. At approximately 9:26 A.M., Defendant Comcast's telephone operator contacted the City of Boynton Beach Police and Fire Department. The Comcast Call Center operator stated she had a customer on the phone in Boynton Beach that was requesting an ambulance.

8. The Boynton Beach Police and Fire Department dispatcher asked what the address was. The Comcast Call Center did not have Mrs. Reiner's home address even though this was the address where it billed the Reiners. The Comcast Call Center operator advised the Boynton Beach Police and Fire Rescue dispatcher that she only had the phone number. Defendant Comcast failed to identify or locate Mrs. Reiner's residential address. Defendant Comcast failed to determine sufficient details about Mrs. Reiner's location in order to obtain for her the urgent life saving medical attention that Defendant Comcast's customer Mrs. Reiner so desperately needed.

9. The Boynton Beach dispatcher instructed the Comcast operator to connect Mrs. Reiner. By this time, Mrs. Reiner was bleeding severely. She desperately tried to communicate her home address to both the Comcast operator as well as the City of Boynton Beach Police and Fire Rescue Department.

10. At or about 9:29 a.m., during this crucial time on the telephone, Mrs. Reiner continuously attempted to provide her home address and answer both operators' questions. She advised that she was injured, about to faint, and needed an ambulance. She begged them to hurry. She was able to state that she was in the Grove.

11. That conversation continued until the Boynton Beach dispatcher called the Boynton Beach Police Department and Fire Rescue.

12. The Boynton Beach police department then spoke with "Kim" at the Comcast Call Center. "Kim" stated she did not have an address for Mrs. Reiner. She had done a reverse look-up on the number and still could not find the address.

13. Boynton Beach Police asked Kim at the Comcast Call Center if she had any other identifying information such as an account number that showed the address. Kim responded that she did not.

14. At 9:30 a.m., a call was placed to Mrs. Reiner's home. It was answered by her voice mail.

15. At 9:31 a.m., another call was placed to Mrs. Reiner's voice mail.

16. At 9:32 a.m., Boynton Beach Police and Fire Department called Palm Beach Sheriff's Office to ask if it had a "Grove" Development in its jurisdiction. Boynton Beach Police

informed Palm Beach Sheriff's Office it had received a call from a woman requesting an ambulance in the Grove Development. It was in Boynton Beach at 9783, with street unknown.

17. At 9:32 a.m., Comcast Call Center called a male dispatcher at Boynton Beach Police Department. She told them that the customer who needed an ambulance had called back again. The Comcast Call Center operator asked if she can connect Mrs. Reiner. She is connected to the Boynton Beach Police Department. Mrs. Reiner says, "Help me! Help me! Help me!" She advised that she needed an ambulance. She was asked for her address and to slow down a bit. Then she was asked to take a deep breath. Mrs. Reiner was moaning. She stated she was alone. She was asked her name. The Boynton Beach dispatcher could not understand the name – was it, "Maggie Ragner", "Agness"? The dispatcher still could not decipher her response which he thinks is "Levenworth." He asked for her street name. The dispatcher asked if Comcast is still on phone. Mrs. Reiner again states, "I'm going to faint." The Boynton Beach Police Department continues to talk to Mrs. Reiner with Comcast Call Center still on the line about the address. Mrs. Reiner continued to state, "Help me please!" Boynton Beach Police and Comcast Call Center asked Mrs. Reiner to come back to the phone. She did and attempted to talk. They asked her to come closer to the phone.

18. At 9:33 a.m., a call went to the Boynton Beach female dispatcher who asked if this was the lady from the Grove. Then the call ends.

19. At 9:33 a.m., 12 seconds later, another call came in. The Boynton Beach dispatcher again asked if this was the lady from the Grove. Again the call ended.

20. At 9:34 a.m., Boynton Beach personnel were still asking if there was an address for the caller in the Grove. Then Mrs. Reiner called back again. The dispatcher said that she was difficult to understand. The dispatcher asked Mrs. Reiner if Lemonwood was the address.

21. At 9:35 a.m., a Boynton Beach dispatcher thought Mrs. Reiner might have hung up again. Another Palm Beach Sheriff's Office dispatcher asked if Mrs. Reiner told them her condition. All she said was that she needed an ambulance when in fact she had been told by Mrs. Reiner that she was bleeding. Boynton Beach and Palm Beach Sheriff's Office were still not able to determine a street address.

22. At 9:37 a.m., Kim at Comcast Call Center answered a call from "Lenny" at the Boynton Beach Police and Fire Department. Lenny stated that the lady hung up again. He asked Comcast if it had Mrs. Reiner's address at all in the system. Kim again responded negatively. Kim stated to Lenny that when Comcast put in Mrs. Reiner's phone number, it still showed that there was no information available on that number. Boynton Beach Police stated "Oh Goodness." Kim said she was sorry. Kim stated that Mrs. Reiner was calling and hanging up and calling right back. The dispatcher said OK, fine. He guessed the voice was so distorted because Mrs. Reiner was screaming, and out of breath. That was why they could not get a clear address. Kim stated she tried to get her address, but could not understand Mrs. Reiner. Kim further stated that all she could understand from her is she had cut her foot with a piece of glass. Boynton Beach Police asked if Mrs. Reiner had cut her foot. Kim stated yes: She's bleeding profusely. Boynton Beach police was going to try to go ahead and call her back. That call with Kim ended at 9:38 a.m.

23. Beginning at 9:38 a.m. through 9:40 a.m., a call went from Boynton Beach Police to Palm Beach Sheriff's Office stating that the number was cross referenced; and they had the address; Boynton Beach Fire Rescue stated they were responding. According to the cross reference it was Lemonwood Way. Palm Beach Sheriff's Office asked where the police got Lemonwood Terrace from. The Boynton Beach dispatcher responded she thought it was

“Carrie” (referring to Palm Beach Sheriff’s Office). It was also thought that Mrs. Reiner was having a stroke because she was so hard to understand.

24. Boynton Beach personnel had been able to determine the Reiner home address. They contacted Palm Beach County Fire Rescue who then dispatched EMS to the Reiner home. The rescue unit did not arrive until 9:42 a.m. They did not go into the home; they did not make contact with Mrs. Reiner. Instead, Palm Beach EMS left the Reiner home without determining her medical condition, which was obviously severe, nor did they attempt to enter the house under what should have been recognized as emergent and exigent circumstances. Blood was visible through the side glass panel next to the front door had EMS looked.

25. At approximately 10:56 a.m., Mr. Reiner arrived home from the airport where he had been picking up the Reiner grandchildren. Mrs. Reiner was found dead. There was blood clearly visible through the front door window of the entryway of the home. Mr. Reiner contacted the Palm Beach County Sheriff’s office. This time it responded to the home with Fire Rescue. Mrs. Reiner was pronounced dead at her home at approximately 11:01 a.m. A subsequent autopsy determined she died from a severed artery in her foot.

26. As a direct and proximate result of the negligence of Defendant Comcast, as set forth more particularly below, Mrs. Reiner expired. Mr. Reiner, as Personal Representative of her Estate, makes the below listed claims for damages on behalf of the Estate, and himself as surviving spouse.

COUNT I

CLAIM AGAINST COMCAST CABLE HOLDINGS, LLC

27. The Plaintiff adopts and realleges paragraphs 1 through 26 and further alleges:

28. Defendant Comcast, as the owner, and supplier of both telephone services as well as cable television services under an express contract with Seymour Reiner, for service at 9783 Lemonwood Way, Boynton Beach, Florida, had and undertook the express contractual, and common law nondelegable duty when responding to Mrs. Reiner's call for assistance. It had a duty of reasonable care including having the appropriate, correct location including telephone number, and address, when Defendant Comcast undertook to contact the Boynton Beach 911 service. Defendant Comcast's duty included the duty to have in its system immediate access to the Reiner residence address, as well as the telephone number. It also included the duty to have the ability to cross-reference the telephone number from which Mrs. Reiner made the call to the address where the emergency existed. Defendant Comcast also had the duty to initiate reasonable policies and procedures with respect to customers who would call Defendant Comcast operators concerning a medical emergency so that Defendant Comcast could expeditiously provide correct and immediate information to the 911 system. Defendant Comcast had the duty to ensure that its records were completely up-to-date at the time that the Reiner household contracted with it to obtain the telephone and cable services. Defendant Comcast knew or should have known that it was foreseeable that its customers, particularly elderly customers, would dial the Comcast operator when in a dire emergency.

29. Defendant Comcast's undertaking to handle the emergency call from Mrs. Reiner, without the correct information, would foreseeably put a Comcast customer, and in particular Mrs. Reiner, at risk.

30. Defendant Comcast breached its duty, by and through its employees, agents, servants, and telephone operator in one or more of the following ways:

- (a) Negligently failed to have in place and/or follow policies and procedures to provide ready access by its telephone operators when they received urgent calls from customers requiring medical assistance;

- (b) Negligently failing to properly supervise employees, including its operators, with respect to cross-referencing telephone numbers with addresses in order to expedite a 911 response;
- (c) Negligently failing to supervise its employees in conducting a reasonable search of customer records to make sure that all records were complete and easily accessible to telephone operators so that customers in need of assistance would not encounter a hazardous delay;
- (d) Negligently failing to have the Reiner residence address and telephone number cross-referenced;
- (e) Negligently failing, having undertaken to provide assistance using the 911 system, to provide an address and cross-reference with a telephone number so that the Boynton Beach 911 system would be able to timely reach the Reiner residence;
- (f) Negligently failing to recognize that customers, and in particular elderly customers, would, when under a serious medical emergency, only be able to dial 0 for the operator and that emergency measures should be in place to respond to such calls;
- (g) Negligently failing to recognize that its elderly customers would have a difficult time, under emergent medical circumstances, in even using the telephone;
- (h) Negligently failing to provide timely and prompt information to the Boynton Beach 911 system;
- (i) Negligently causing a delay in the ability of the Boynton Beach 911 system to respond to Mrs. Reiner's call, and, which ultimately resulted in Mrs. Reiner's death on account of the delay.

31. As a direct and proximate result of the negligence of Defendant Comcast, the Plaintiff has sustained the damages set forth more particularly below.

**CLAIM OF PERSONAL REPRESENTATIVE
ON BEHALF OF ESTATE AND SURVIVOR**

32. As a direct and proximate result of the negligence of the Defendant which caused the death of Sidell Reiner, Seymour Reiner, as personal representative of the Estate of Sidell Reiner, sets forth the below listed claims for the decedent's Estate and surviving spouse, pursuant to Florida Statute Section 768.21, the Wrongful Death Act.

**CLAIM OF PERSONAL REPRESENTATIVE
ON BEHALF OF THE ESTATE OF SIDELL REINER, DECEASED**

33. The Estate of Sidell Reiner has in the past suffered, and will in the future continue to suffer the following damages:

- a. Loss of earnings of Mrs. Reiner from the date of her death, less lost support and services, excluding contributions in kind, with interest;
- b. Loss of net accumulations beyond death; and
- c. Medical or funeral expenses, or both, which have been incurred due to the decedent's death that have become a charge against her Estate or that were paid by or on behalf of the decedent, including the amounts recoverable by the decedent's husband, Seymour Reiner.

**CLAIM OF PERSONAL REPRESENTATIVE ON BEHALF OF
SEYMOUR REINER, SURVIVING SPOUSE**

34. Seymour Reiner, the surviving spouse of Sidell Reiner, has in the past suffered, and will in the future continue to suffer the following damages:

- a. The value of lost support and services from the date of the decedent's death, with interest, and future loss of support and services to the date of death and to the extent of her normal life expectancy;
- b. The loss of the decedent's companionship and mental pain and suffering;
- c. Medical expenses; and
- d. Funeral expenses.

WHEREFORE, the Plaintiff demands judgment against the Defendant for all damages recoverable under the laws of Florida.

DEMAND FOR JURY TRIAL

The Plaintiff demands trial by jury on all issues as of right triable by a jury.

Dated this 21st day of October, 2010.

GROSSMAN ROTH, P.A.
Attorneys for Plaintiff
925 South Federal Highway
Suite 350
Boca Raton, Florida
Telephone: 561-367-8666
Facsimile: 561-367-0297

By: _____

Gary M. Cohen
Fla. Bar No.: 310433