

IN THE CIRCUIT COURT, FOURTH  
JUDICIAL CIRCUIT, IN AND FOR  
DUVAL COUNTY, FLORIDA

CASE NUMBER: 2013-CA-000170  
DIVISION: CV-F

XIU WANG and YU LIN, her husband,

Plaintiffs,

vs.

JESPER SVENSSON, AMY SVENSSON, and SUTTON  
LAKES OWNERS ASSOCIATION, INC.,

Defendants.

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**AMENDED COMPLAINT**

Plaintiffs, XIU WANG and YU LIN, sue Defendants, JESPER SVENSSON and AMY SVENSSON, (hereinafter "the SVENSSONS"), and SUTTON LAKES OWNERS ASSOCIATION, INC., (hereinafter "the ASSOCIATION"), and allege:

1. This is an action for damages in excess of \$15,000.00.
2. At all times material hereto, XIU WANG and YU LIN, resided in a single family dwelling in the Sutton Lakes Subdivision in Duval County, Florida.
3. At all times material hereto, the SVENSSONS resided in a single family dwelling located in the Sutton Lakes Subdivision in Duval County, Florida.
4. The SVENSSONS, XIU WANG and YU LIN, her husband, agreed to be bound by the guidelines of the SUTTON LAKES OWNERS ASSOCIATION, INC.
5. At all times material hereto this cause, the SVENSSONS lived with and owned two large dogs.

6. At all times material hereto, the ASSOCIATION was a Florida corporation authorized to do business in the State of Florida.

7. On or about March 5, 2012, The SVENSSONS' dogs ran unleashed from the SVENSSONS' vehicle which was parked in the SVENSSONS' driveway, crossed the street, and viciously attacked and pushed XIU WANG while she was walking on the sidewalk, a common area.

8. During the dog attack, AMY SVENSSON was standing outside of her house and observed the attack take place.

9. After the attack, AMY SVENSSON voluntarily chose to confront and render aid to the obviously injured XIU WANG. During her endeavors, AMY SVENSSON grabbed XIU WANG by the collar of her shirt and her arm and attempted to drag XIU WANG to her feet further causing acute injury and/or an exacerbation of Wang's existing injuries.

10. At all times material, AMY SVENSSON knew that XIU WANG lay injured on the ground as a result of the dog attack and needed immediate medical attention.

11. As a result of the dog attack and the negligent rendering of aid by AMY SVENSSON, XIU WANG suffered a broken hip. Consequently, XIU WANG underwent a painful and expensive surgery to correct the fracture and needed tortuous and agonizing rehabilitation. Mrs. Wang has not fully recovered; she can no longer care for her disabled husband, she can no longer walk around

the subdivision, needs assistance even when walking inside her home, and has suffered other damages.

**COUNT I - THE SVENSSONS ARE STRICTLY LIABLE FOR XIU WANG'S INJURIES**

Plaintiffs reallege all of the foregoing allegations and further allege:

12. Under Florida Statute §767.01, dog owners are strictly liable for damages done by their dogs to a person.

13. As a proximate result of the attack by the SVENSSONS' dogs, XIU WANG suffered severe bodily injury, resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expense of medical care and treatment. Said losses and injuries are either permanent or are continuing as Mrs. Wang will suffer said losses in the future.

14. As such, the SVENSSONS are strictly liable for all the injuries and damages that their dogs caused to Mrs. Wang.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable.

**COUNT II - WILLFUL REFUSAL OF THE SVENSSONS TO COMPLY WITH DUVAL COUNTY ORDINANCE 462.303**

Plaintiffs reallege all of the foregoing allegations and further allege:

15. Chapter 462 of the Jacksonville Municipal Code governs all issues related to domestic animals in the City of Jacksonville for the protection of the human and animal population. The SVENSSONS have willfully refused to comply with one or more of the rules of Chapter 462 including, but not limited to, §462.303.

16. Section 462.303 prohibits animals at-large and, therefore, mandates the restraint/leashing of all animals by their owners. The SVENSSONS, however, did not restrain or leash their dogs on the day the dogs attacked XIU WANG.

17. As a proximate result of the SVENSSONS' negligent refusal to comply with §462.303 of the Jacksonville Municipal Code, Mrs. Wang suffered severe bodily injury, resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expense of medical care and treatment. Said losses and injuries are either permanent or are continuing as Mrs. Wang will suffer said losses in the future.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable.

**COUNT III - NEGLIGENCE IN FAILING TO SECURE, RESTRAIN  
AND/OR CONTROL THE DOGS**

Plaintiffs reallege all of the foregoing allegations and further allege:

18. The SVENSSONS had the duty to ensure that pedestrians, such as XIU WANG, on common areas of the subdivision are safeguarded from attacks by their dogs.

19. The SVENSSONS breached their duty to XIU WANG by failing to ensure that their unrestrained dogs were under their control and secured inside their residence or vehicle, and by AMY SVENSSON's negligent failure to take any other action to control the dogs as she observed them leave her vehicle and then attack XIU WANG.

20. As a proximate result of the SVENSSONS' breach, Mrs. Wang suffered severe bodily injury, resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expense of medical care and treatment. Said losses and injuries are either permanent or are continuing as Mrs. Wang will suffer said losses in the future.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable.

#### **COUNT IV- NEGLIGENCE- AMY SVENSSON**

21. Defendant AMY SVENSSON had a duty to exercise reasonable care when rendering aid to XIU WANG after the incident involving the dogs. Although AMY SVENSSON may not have had a duty to render aid to XIU WANG, she voluntarily chose to help XIU WANG from the ground after the fall. After choosing to voluntarily render aid to XIU WANG, Defendant AMY SVENSSON had a duty to act as a reasonable person under similar circumstances.

22. Defendant AMY SVENSSON breached this duty of reasonable care when she attempted to render aid to the obviously injured Plaintiff, XIU WANG. Specifically, AMY SVENSSON pulled and dragged the obviously injured XIU WANG up from the ground by the collar of her shirt and her arm at a time when it was apparent to AMY SVENSSON that XIU WANG needed immediate medical attention and should not have been moved from the ground.

23. As a direct and proximate result of the negligence of AMY SVENSSON, Plaintiff, XIU WANG suffered acute injury and/or an exacerbation of

her existing injuries and the resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expense of medical care and treatment. Said losses and injuries are either permanent or are continuing as Mrs. Wang will suffer said losses in the future.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable

**COUNT V - CLAIMS AGAINST SUTTON LAKES OWNERS ASSOCIATION**

Plaintiffs reallege all of the foregoing allegations and further allege:

24. The ASSOCIATION is the corporation responsible for the adoption and endorsement of the rules governing the conduct of residents in the Sutton Lakes Subdivision.

25. As such, the ASSOCIATION had the duty of adopting rules to prohibit dangerous conduct throughout the subdivision, enforcement of said rules, or, in the alternative, warning residents of the dangers associated with the lack of safety rules.

26. SUTTON LAKES OWNERS ASSOCIATION, INC. knew or should have known aggressive dogs were living in the subdivision and failed to adopt or enforce rules to prohibit this dangerous condition throughout the subdivision.

27. SUTTON LAKES OWNERS ASSOCIATION, INC. breached its duty by failing to adopt or enforce rules requiring that dogs be leashed and restrained, failing to adopt or enforce rules to enforce the municipal "animal-at-large"

prohibition, and by failing to warn residents of the dangers associated with the ASSOCIATION's failure to adopt or enforce animal safety rules.

28. As a proximate result of the ASSOCIATION's negligence and breach, Mrs. Wang suffered severe bodily injury, resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, and expense of medical care and treatment. Said losses and injuries are either permanent or are continuing as Mrs. Wang will suffer said losses in the future.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable.

**COUNT V - CONSORTIUM CLAIM OF YU LIN AGAINST THE SVENSSONS**

Plaintiffs reallege all of the foregoing allegations and further allege:

29. As a result of the negligence of the SVENSSONS' and the resulting injuries to XIU WANG, YU LIN has been and will continue to be deprived of the support, services, companionship, comfort, society and attention of his wife. Such losses are permanent and continuing in nature.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable.

**COUNT VI - CONSORTIUM CLAIM OF YU LIN AGAINST THE ASSOCIATION**

Plaintiffs reallege all of the foregoing allegations and further allege:

30. As a result of the negligence of the ASSOCIATION and the resulting injuries to XIU WANG, YU LIN has been and will continue to be deprived of the

support, services, companionship, comfort, society and attention of his wife. Such losses are permanent and continuing in nature.

WHEREFORE, Plaintiffs demand judgment for damages, costs and trial by jury on all issues so triable.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a copy hereof has been furnished by email to A. Craig Cameron, Esquire at ServiceACC@cameronhodes.com, *Attorney for Defendants Svensson*; and Michael L. Glass, Esquire, 3030 Hartley Road, Suite 150, Jacksonville, FL 32257 and [mglass@sgc-attorneys.com](mailto:mglass@sgc-attorneys.com) and [lbaurer@sgc-attorneys.com](mailto:lbaurer@sgc-attorneys.com), *Attorney for Defendant Sutton Lakes Association, Inc.*; this 13<sup>th</sup> <sup>August</sup> day of ~~May~~, 2013.

**LAW OFFICE OF JOHN M. PHILLIPS, LLC**



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