

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

JARRET SILAGYI
and LAUREN SILAGYI,

Plaintiffs,

v.

DANIEL TOWRISS,

Defendant.

COMPLAINT FOR DAMAGES

The Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI, hereby sue the Defendant, DANIEL TOWRISS and file this Complaint for Damages and state:

THE PARTIES AND JURISDICTION

1. This is an action for personal injuries seeking damages in excess of \$30,000.00, exclusive of interest, costs, and attorneys' fees.

2. The Plaintiff, JARRET SILAGYI, is sui juris, and is a citizen and resident of Fishers, Indiana.

3. The Plaintiff, LAUREN SILAGYI, is sui juris, and is a citizen and resident of Fishers, Indiana.

4. The Defendant, DANIEL TOWRISS, is sui juris, and is and was at all times material hereto a resident and citizen of Zionsville, Indiana. Defendant DANIEL TOWRISS serves as President and CEO of Group 1001, an Indianapolis, Indiana-based insurance holding

company. Group 1001's umbrella of companies includes Gainbridge, Delaware Life, Clear Spring Insurance, and Clear Spring Health. At all times material hereto, Defendant, DANIEL TOWRISS, was the owner and/or operator of a 42 ft Hydra Sport Custom Boats fishing vessel (a/k/a BLUE STEEL), the subject vessel involved in this incident.

5. This is an action for personal injuries that arose in Broward County, Florida.

6. At all times material hereto, Defendant owned and/or operated the subject vessel in a navigable waterway in Broward County, Florida. As such, this action involves and is governed by the General Maritime Law, the Pennsylvania Rule, and Florida Statutes. This action is being filed in the 17th Judicial Circuit in and for Broward County pursuant to the Savings to Suitors Clause (28 U.S.C. § 1333).

7. The Defendant at all times personally or through an agent in the County and in the District in which this Complaint is filed:

a. Committed tortious act(s) within this state.

8. All conditions precedent for filing and maintaining this action have been fulfilled, have been waived, or do not apply.

OTHER ALLEGATIONS COMMON TO ALL COUNTS

9. **DATE OF INCIDENT.** This incident occurred on December 30, 2019 and/or shortly after midnight on December 31, 2019. Florida Fish and Wildlife law enforcement records put the incident at 14 minutes past midnight on December 31, 2019.

10. **LOCATION OF INCIDENT.** This incident occurred at the south jetty of the inlet at Port Everglades where Defendant DANIEL TOWRISS crashed his 42' Hydra Sport Custom Boat, a/k/a BLUE STEEL in the state territorial waters of Florida in Broward County, Florida

while Plaintiffs were passengers onboard. The subject jetty is a part of Mizell Johnson State Park in Broward County, FL.

11. **STATUS OF PLAINTIFFS AS OF THE DATE AND TIME OF THE INCIDENT.** At all times material hereto, the Plaintiffs were lawful passengers and guests onboard Defendant's vessel.

12. **STATUS OF THE DEFENDANT AS OF THE DATE AND TIME OF INCIDENT.** At all times material hereto, the Defendant DANIEL TOWRISS who owned and/or operated the subject vessel, was physically present on the vessel along with the Plaintiffs. Defendant DANIEL TOWRISS invited the Plaintiffs on his vessel on the evening of the subject incident and at all times material hereto was the captain/master of the vessel and controlled the vessel from its helm. Thus, Defendant DANIEL TOWRISS knew, should have known, and/or was in privity with the Plaintiffs at the time of the events which gave rise to this litigation. Accordingly, the limitation provisions of Title 46 United States Code §§ 30505 and 30511 do not apply to this action.

13. **LIST OF STATUTORY AND/OR REGULATORY VIOLATIONS:** The Defendant violated Florida Statutes and breached his duty of care to the Plaintiffs and was negligent in one or more of the following ways:

- a. By violation of the Inland and/or International Navigational Rules resulting in a boating accident causing serious bodily injury or death pursuant to Florida Statutes § 327.33(3)(a);
- b. By failure to operate the subject vessel in a reasonable and prudent manner while having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or

property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed pursuant to Florida Statutes § 327.33(2);

- c. By failure to exercise the highest degree of care in order to prevent injuries to others pursuant to Florida Statutes § 327.32;
- d. By violation of Florida Statute § 327.35, boating under the influence;
- e. By violation of Florida Statute § 327.33(1), reckless operation of a vessel;
- f. By violation of Inland and International Navigation Rule 5 (33 CFR 83.05), Look Out, which mandates that every vessel shall at all time maintain a proper look-out by sight and hearing as well as by all means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision;
- g. By violation of Inland and International Navigation Rule 6 (33 CFR 83.06), Safe Speed, which mandates that every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions;
- h. By violation of Inland and International Navigation Rule 7 (33 CFR 83.07(a) and (b)), Risk of Collision, which mandates that every vessel shall use all available means appropriate to the prevailing circumstances and conditions to determine if risk of collision exists;
- i. By operation of the Pennsylvania Rule, which shifts the burden to the Defendant to prove that his acts and omissions did not cause the collision in this case.

14. **DESCRIPTION OF INCIDENT.** On December 30, 2019, Defendant, DANIEL

TOWRISS, invited JARRET SILAGYI and LAUREN SILAGYI out on TOWRISS' recently acquired vessel, a 42' Hydra Sport Custom Boats fishing boat. At approximately, 10:30 pm, TOWRISS set off from the dock behind his Fort Lauderdale home located at 2551 Del Lago Drive, Fort Lauderdale, FL 33316. TOWRISS carried three passengers including JARRET and LAUREN SILAGYI as well as CASSIDY RUDMAN, TOWRISS' significant other. From the dock behind his home, TOWRISS navigated the vessel south through the intercoastal waterway and out onto the ocean through the inlet located closest to Port Everglades. TOWRISS kept the boat out in the ocean for approximately one and a half hours before he started for home with his passengers onboard.

15. In the hours just prior to the boat trip on the night of December 30, 2019, Defendant TOWRISS consumed at least one mixed drink and drank a portion of two to three bottles of wine. During the time on the water captaining his 42-foot, 1700 horsepower vessel, which weighed in excess of 25,000 pounds (with its four outboard Yamaha engines included), TOWRISS drank another mixed drink cocktail. While consuming this drink out on the water, TOWRISS became distracted from his duties as captain of his boat. TOWRISS did not pay attention to the helm. TOWRISS permitted the boat to drift in an erratic way on the open water in dark, nighttime conditions. TOWRISS did not maintain awareness of his surroundings on the water.

16. TOWRISS intended to return through the same inlet he exited approximately an hour and a half before. The approach to the inlet from the Atlantic side required reasonable care and skill given the dark conditions on the water. Instead of exercising care, TOWRISS—who was operating his vessel after several alcoholic drinks that evening--continued to demonstrate a lack awareness of his surroundings. TOWRISS failed to keep a look out for hazards in the water, like the jetty on the southside of the inlet. Considering the dark conditions and other circumstances

described herein, TOWRISS chose to operate his vessel—which was 42 feet long and featured four out-board engines--at an unsafe and excessive speed. TOWRISS drove the boat at such a speed that it was planing across the water on the return trip toward Fort Lauderdale. TOWRISS drove the boat so fast that Plaintiff JARRET SILAGYI felt the need to grab a part of the subject boat as it hurtled back in the direction of the southside jetty near the inlet closest to Port Everglades. After one failed attempt to find the inlet into the intercoastal, Defendant TOWRISS powered the vessel back up to try to make the passage toward the inlet a second time. He continued to lack the awareness of his surroundings, failed to use navigational aids, and operated the vessel at an excessive speed.

17. Defendant TOWRISS willfully and wantonly disregarded the safety of the passengers on his boat, including the Plaintiffs, as well as anyone else out on the water that night by (a) choosing to drink alcoholic beverages, which impaired the normal faculties needed to safely operate a 42' vessel with four, 425 horsepower Yamaha engines (1700 hp total); (b) by operating his boat in an inattentive manner and at excessive speed in an area with conditions present like the jetty and the potential for other vessels on the water; (c) by operating this vessel at night when conditions were dark and visibility was low; (d) by failing to use or failing to make himself familiar with how to use navigational technology on his vessel; and (e) by failing to fully familiarize himself with the geography of the intercoastal waterway, inlet, and jetties where he planned to operate his vessel on the night of December 30, 2019.

18. Ultimately, as captain of the vessel TOWRISS committed the acts and omissions described herein and caused his 42' Hydra Sport Custom fishing boat, a/k/a BLUE STEEL, to collide with the jetty on the southside of the inlet nearest Port Everglades at approximately 12:14 am on December 31, 2019 on his second attempt to make the inlet. The actions of Defendant

TOWRISS caused both LAUREN SILAGYI and JARRET SILAGYI to be ejected from the vessel and onto the rocks of the jetty. Fire rescue arrived shortly after the impact and transported JARRET SILAGYI and LAUREN SILAGYI to Memorial Regional Hospital in Hollywood, FL. The careless acts and omissions of the Defendant(s) caused the Plaintiffs to suffer catastrophic injuries resulting in substantial economic and non-economic damages in the past and in the future.

19. The crash caused LAUREN SILAGYI to suffer catastrophic injuries including but not necessarily limited to skull fracture, traumatic brain injury, midline shift of the brain, brain bleeding, broken nose, permanent facial scarring and disfigurement, tibial plateau fracture of the right leg, and fractured ribs. LAUREN SILAGYI has already undergone three surgeries due to the Defendant's acts, including a right craniotomy for evacuation of epidural hematoma and elevation of distressed skull fracture on December 31, 2019; an open reduction internal fixation of the medial tibial plateau fracture on January 2, 2020; and a right cranioplasty on February 21, 2020.

20. JARRET SILAGYI also suffered serious injuries, including but not limited to loss of consciousness, head trauma, complex laceration to his lip, pleural effusion, and nasal fracture.

21. But for TOWRISS' failures to act with due care in the operation of his vessel, the crash and the injuries to LAUREN SILAGYI and JARRET SILAGYI would have been avoided. JARRET SILAGYI now faces the prospect of permanent impairments due to his injuries stemming from the crash. Since the crash, LAUREN SILAGYI has undergone three surgeries, including two surgeries to treat her traumatic brain injury. LAUREN SILAGYI will struggle with the physical and emotional consequences of her injuries for the rest of her life.

COUNT I – NEGLIGENCE
DEFENDANT DANIEL TOWRISS

22. The Plaintiff adopts, incorporates, and re-alleges paragraphs 1-21, above.

23. This is a count for negligence against, the Defendant, DANIEL TOWRISS.

24. As an owner and/or vessel operator, Defendant DANIEL TOWRISS owed a reasonable duty of care under the circumstances to the Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI as well as statutory duties codified in Florida Statutes §§ 327.32 and 327.33 (2019). By operating the subject vessel on the date of the incident and serving as its captain, Defendant DANIEL TOWRISS' duty of care toward Plaintiffs included, but was not necessarily limited to acting as a reasonably prudent vessel operator (as the term "operate" is known commonly and as it is defined in Florida Statutes, § 327.02(33)(2019)); operating the vessel in a safe and prudent manner; operating the subject vessel at a safe and appropriate speed; avoiding operation of the subject vessel while impaired; warning about hazards associated with operating and/or traveling as a passenger in the subject vessel; maintaining proper watch over the vessel and surrounding conditions and hazards on the water at all times; operating the vessel with due care given the surrounding circumstances and conditions; if voluntarily undertaking additional duties, carrying out those duties with due care under the circumstances; and/or operating the subject vessel safely within the meaning of Florida Statutes, §§ 327.32 and 327.33, (2019).

25. At all relevant times, Plaintiffs acted reasonably and prudently and exercised due care for their own safety and the safety of those around them.

26. On the date of the subject incident, Defendant, DANIEL TOWRISS, breached his reasonable duty of care to the Plaintiffs and was negligent by his actions, omissions, and/or conduct, including but not limited to the following: operating the subject vessel without keeping a

proper and sufficient lookout at all times, including when the vessel was underway; operating the subject vessel at an excessive rate of speed based upon surrounding circumstances like the time of day and hazards in the water; proceeding at a speed which was greater than reasonable and proper with regard to conditions; failing to plan a safe route for the voyage and return trip on December 30-31, 2019; failing to know the waterways and landmarks where he boated and how to safely navigate them; failing to use available navigational tools and/or failing to learn how to use such tools; failing to act as a reasonable and prudent vessel operator; failing to keep the subject vessel under proper control; failing to heed pertinent restrictions and/or navigational beacons on the water as well as other attendant circumstances so as not to endanger life, limb, and/or property; failing to heed navigational rules; failing to warn of known hazards and/or hazards which Defendant should have reasonably been aware of; failing to carry out additional duties assumed by the Defendant in a careful and prudent manner; operating the vessel in a reckless and careless fashion and otherwise operating the subject vessel negligently under the circumstances.

27. As a direct and proximate result of one or more of the foregoing acts, omissions, and/or conduct described above, Defendant, DANIEL TOWRISS, crashed his vessel “BLUE STEEL” into the jetty at Mizell Johnson State Park just past midnight on December 31, 2019, which resulted in the Plaintiffs being tossed violently from the vessel and onto the rocks. In addition to the above, TOWRISS failed to keep a look out for his surroundings, maintain a safe speed, plan his route, and use all available navigational technology and channel markers, and as a result TOWRISS slammed his boat into the jetty approximately 14 minutes after midnight on December 31, 2019. But for TOWRISS’ conduct, acts, and/or omissions described herein, the crash would have been avoided and the Plaintiffs would have escaped injury.

28. Defendant, DANIEL TOWRISS directly and proximately caused Plaintiff LAUREN

SILAGYI to suffer injuries and damages in the past and in the future. The crash caused LAUREN SILAGYI to suffer catastrophic injuries including but not necessarily limited to skull fracture, traumatic brain injury, midline shift of the brain, brain bleeding, broken nose, tibial plateau fracture of the right leg, permanent facial scarring and disfigurement, and fractured ribs. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff LAUREN SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

29. The Defendant's conduct proximately caused injuries and damages to the Plaintiff JARRET SILAGYI in the past and in the future. The crash caused JARRET SILAGYI to suffer serious injuries including but not necessarily limited to loss of consciousness, head trauma, complex laceration to his lip, pleural effusion, and nasal fracture. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff JARRET SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI, demand Judgment for damages against the Defendant, DANIEL TOWRISS, for economic and non-economic damages and losses suffered in the past and in the future as a result of the Plaintiffs' personal injuries including but not limited to: pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical

defect, and the loss of the capacity for the enjoyment of life; medical and health care expenses, medical care and treatment, loss of income and wages, loss of ability to earn income and wages, and other expenses incurred in the past and in the future, all court costs, all interest, attorney's fees, and any and all other damages which the Court deems just or appropriate.

COUNT II – VIOLATION OF FLORIDA STATUTES AS STRICT LIABILITY, NEGLIGENCE PER SE, AND/OR EVIDENCE OF NEGLIGENCE AGAINST DEFENDANT, DANIEL TOWRISS

30. The Plaintiff hereby adopts and re-alleges paragraphs 1 through 21 above.

31. The violations of Florida Statutes, including, but not necessarily limited to §§ 327.32, 327.33, and 327.35 (2019) give rise to causes of action for civil liability, including but not necessarily limited to actions based upon strict liability and/or negligence per se. At all material times hereto, Florida Statutes §§ 327.32, 327.33, and 327.35 (2019) placed statutory duties on Defendant DANIEL TOWRISS as the owner and/or operator of the subject vessel. At all relevant times, those statutes obligated Defendant DANIEL TOWRISS to exercise the highest degree of care in order to prevent injury to others, to avoid reckless operation of his vessel, to operate his vessel in a reasonable and prudent manner, to avoid boating under the influence of alcohol and/or other substances, and/or to observe all navigational rules. The Defendant, DANIEL TOWRISS, violated those statutes and duties by his actions, omissions, and/or conduct which are described herein as well as in the allegations common to all counts, above.

32. The Plaintiffs are members of the class of people which the Florida Statutes referenced herein were intended to protect—specifically, individuals on Florida waters who operate and/or are passengers aboard recreational vessels. The Plaintiffs suffered injuries of the type which the statutes were designed to prevent, that is, personal injury caused by careless and/or reckless operation of a vessel and/or by boating under the influence. And at all relevant times, Plaintiffs

were passengers on the subject vessel and exercised due care for their own safety and the safety of others.

33. Defendant, DANIEL TOWRISS, violated these statutes and thus breached his duty of care by operating the subject vessel without keeping a proper and sufficient lookout at all times, including when the vessel was underway; by operating the subject vessel at an excessive rate of speed based upon surrounding circumstances like the time of day and hazards in the water; by proceeding at a speed which was greater than reasonable and proper with regard to conditions; by failing to plan a safe route for the voyage and return trip on December 30-31, 2019; by failing to act as a reasonable and prudent vessel operator; by failing to keep the subject vessel under proper control; by failing to heed pertinent restrictions and/or navigational beacons on the water as well as other attendant circumstances so as not to endanger life, limb, and/or property; by failing to heed navigational rules; by failing to warn of known hazards and/or hazards which Defendant should have reasonably been aware of; by failing to carry out additional duties assumed by the Defendant in a careful and prudent manner; by failing to avoid operation of his vessel while under the influence of alcohol; by operating the vessel in a reckless and careless fashion, and by otherwise operating the subject vessel negligently under the circumstances.

34. Through the violations of these statutes, which constitute strict liability and/or negligence per se, Defendant, DANIEL TOWRISS, directly and proximately caused the Plaintiffs' injuries and damages. That is, the Plaintiffs suffered severe and debilitating personal injuries resulting from Defendant DANIEL TOWRISS' careless and reckless operation of the subject vessel; resulting from Defendant's failure to exercise the highest degree of care in the operation of the subject vessel, a dangerous instrumentality as defined by Florida Statutes, § 327.32; resulting from boating under the influence as defined in § 327.35; resulting from the failure to operate the

vessel in a reasonable and prudent manner as defined in § 327.33(2); and resulting from failures to observe navigational rules, § 327.33(3). Accordingly, violations of Florida Statutes §§ 327.32, 327.33, and 327.35 constitute strict liability and/or negligence per se.

35. In the alternative, the violations of the statutes, as described herein, are evidence of negligence. Defendant, DANIEL TOWRISS owed statutory duties under Florida Statutes §§ 327.32, 327.33, and 327.35. The Plaintiffs are members of the class of people which the Florida Statutes referenced herein were intended to protect—specifically, individuals on Florida waters who operate and/or are passengers aboard recreational vessels. The Plaintiffs suffered injuries of the type which the statutes were designed to prevent, that is, personal injury caused by careless and/or reckless operation of a vessel and/or by boating under the influence. And at all relevant times, Plaintiffs were passengers on the subject vessel and exercised due care for their own safety and the safety of others. Defendant DANIEL TOWRISS’ violation of these statutes, as described herein, provides prima evidence of Defendant, DANIEL TOWRISS’ negligence.

36. Because of his negligence and violations of Florida Statutes §§ 327.32, 327.33, and 327.35 (2019), DANIEL TOWRISS directly and proximately caused injuries and damages to the Plaintiffs in the past and in the future. Defendant, DANIEL TOWRISS, crashed his vessel “BLUE STEEL” into the jetty at Mizell Johnson State Park just past midnight on December 31, 2019, which resulted in the Plaintiffs being tossed violently from the vessel and onto the rocks. TOWRISS failed to keep a look out for his surroundings, maintain a safe speed, plan his route, and use all available navigational technology and channel markers, and as a result TOWRISS slammed his boat into the jetty approximately 14 minutes after midnight on December 31, 2019. But for TOWRISS’ conduct, acts, and/or omissions described herein, the crash would have been avoided and the Plaintiffs would have escaped injury.

37. TOWRISS' violations caused Plaintiff LAUREN SILAGYI to suffer injuries and damages in the past and in the future. The crash caused LAUREN SILAGYI to suffer catastrophic injuries including but not necessarily limited to skull fracture, traumatic brain injury, midline shift of the brain, brain bleeding, broken nose, tibial plateau fracture of the right leg, permanent facial scarring and disfigurement, and fractured ribs. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff LAUREN SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

38. The Defendant's violations proximately caused injuries and damages to the Plaintiff JARRET SILAGYI in the past and in the future. The crash caused JARRET SILAGYI to suffer serious injuries including but not necessarily limited to loss of consciousness, head trauma, complex laceration to his lip, pleural effusion, and nasal fracture. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff JARRET SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI, demand Judgment for damages against the Defendant, DANIEL TOWRISS, for economic and non-economic damages and losses suffered in the past and in the future as a result of the Plaintiffs' personal injuries including but not limited to: pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical

defect, and the loss of the capacity for the enjoyment of life; medical and health care expenses, medical care and treatment, loss of income and wages, loss of ability to earn income and wages, and other expenses incurred in the past and in the future, all court costs, all interest, attorney's fees, and any and all other damages which the Court deems just or appropriate.

COUNT III – VIOLATION OF FLORIDA STATUTES §§ 327.32 and 327.33(2); FAILURE TO OPERATE A VESSEL IN A CAREFUL AND PRUDENT MANNER

39. The Plaintiffs hereby adopt and re-allege paragraphs 1 through 21 above.

40. This is an action for violation of Florida Statutes §§ 327.32 and 327.33(2). Under Sections 327.32 and 327.33(2), a vessel operator and/or owner must exercise the highest degree of care to prevent injury to others and must operate his vessel in a reasonable and prudent manner. Sections 327.32 and 327.33(2) apply to vessels and their operators and owners in Florida waters. Thus, these sections apply to the facts and circumstances of this case where Defendant DANIEL TOWRISS crashed his vessel, BLUE STEEL, into the jetty at Mizell Johnson State Park. Sections 327.32 and 327.33(2) give rise to civil liability and a private right of action against vessel owners and operators, like Defendant, DANIEL TOWRISS, who fail to operate vessels while exercising the highest degree of care in order to prevent injury to others.

41. In this case, Defendant DANIEL TOWRISS breached the statutory duty of care, violated Florida Statutes §§ 327.32 and 327.33(2), and acted unreasonably by operating the subject vessel without keeping a proper and sufficient lookout at all times, including when the vessel was underway; by operating the subject vessel at an excessive rate of speed based upon surrounding circumstances like the time of day and hazards in the water; by proceeding at a speed which was greater than reasonable and proper with regard to conditions; by failing to plan a safe route for the voyage and return trip on December 30-31, 2019; by failing to act as a reasonable and prudent vessel operator; by failing to keep the subject vessel under proper control; by failing to heed

pertinent restrictions and/or navigational beacons on the water as well as other attendant circumstances so as not to endanger life, limb, and/or property; by failing to heed navigational rules; failing to warn of known hazards and/or hazards which Defendant should have reasonably been aware of; by failing to carry out additional duties assumed by the Defendant in a careful and prudent manner; by operating the vessel in a reckless and careless fashion; and by otherwise operating the subject vessel negligently under the circumstances.

42. As a direct and proximate result of the statutory violations described above--including but not limited to one or more of the foregoing acts, omissions, and/or conduct described in paragraph 41--Defendant, DANIEL TOWRISS, crashed his vessel "BLUE STEEL" into the jetty at Mizell Johnson State Park just past midnight on December 31, 2019, which resulted in the Plaintiffs being tossed violently from the vessel and onto the rocks. TOWRISS failed to keep a look out for his surroundings, maintain a safe speed, plan his route, and use all available navigational technology and channel markers, and as a result TOWRISS slammed his boat into the jetty approximately 14 minutes after midnight on December 31, 2019. But for TOWRISS' conduct, acts, and/or omissions described herein, the crash would have been avoided and the Plaintiffs would have escaped injury.

43. The violations of Florida Statutes §§ 327.32 and 327.33(2) by the Defendant proximately caused injuries and damages to the Plaintiff LAUREN SILAGYI in the past and in the future. The crash caused LAUREN SILAGYI to suffer catastrophic injuries including but not necessarily limited to skull fracture, traumatic brain injury, midline shift of the brain, brain bleeding, broken nose, tibial plateau fracture of the right leg, permanent facial scarring and disfigurement, and fractured ribs. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff LAUREN SILAGYI has suffered bodily injury and resulting pain, suffering, disability,

disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

44. The violations of Florida Statutes §§ 327.32 and 327.33(2) by the Defendant proximately caused injuries and damages to the Plaintiff JARRET SILAGYI in the past and in the future. The crash caused JARRET SILAGYI to suffer serious injuries including but not necessarily limited to loss of consciousness, head trauma, complex laceration to his lip, pleural effusion, and nasal fracture. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff JARRET SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI, demand Judgment for damages against the Defendant, DANIEL TOWRISS, for economic and non-economic damages and losses suffered in the past and in the future as a result of the Plaintiffs' personal injuries including but not limited to: pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, and the loss of the capacity for the enjoyment of life; medical and health care expenses, medical care and treatment, loss of income and wages, loss of ability to earn income and wages, and other expenses incurred in the past and in the future, all court costs, all interest, attorney's fees, and any and all other damages which the Court deems just or appropriate.

COUNT IV – VIOLATION OF FLORIDA STATUTE § 327.35; BOATING UNDER THE INFLUENCE

45. The Plaintiffs hereby adopt and re-allege paragraphs 1 through 21 above.

46. This is an action for violation of Florida Statute § 327.35, Boating Under the Influence. In addition to the common law duty of care under the circumstances, section 327.35, Boating Under the Influence, imposes a duty to avoid operating a vessel while under the influence of alcoholic beverages. Section 327.35 specifies that a person is under the influence of alcoholic beverages when (a): “affected to the extent that the person’s normal faculties are impaired; (b) the person has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or (c) the person has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath. Florida Statute § 327.35 gives rise to civil liability and a private right of action against vessel owners and operators, like Defendant, DANIEL TOWRISS, who act recklessly and fail to operate a vessel free from the influence of alcoholic beverages.

47. In this case, Defendant DANIEL TOWRISS drank several alcohol drinks before and during the operation of the subject vessel on the night/early morning of December 30, 2019. These beverages changed TOWRISS behavior and reduced his faculties for safe operation of a vessel prior to and during the point at which he crashed his vessel into the jetty. Following his final mixed drink, TOWRISS showed signs of impairment to his normal faculties evidenced by: acting inattentive to the helm and the position of his boat in the water; by losing concentration and allowing his boat to drift in an erratic pattern in the water prior to the crash into the jetty; by operating his boat at an excessive speed for conditions reflecting a diminution of his judgment and decision making ability; by failing to consult and rely on navigational technology and any and all beacons which evidences impaired judgment and processing ability; and by failing to make a plan to safely navigate the vessel back into the intercoastal waterway showing reduced capacity for

judgment.

48. TOWRISS thus breached the statutory duty of care defined by Florida Statutes § 327.35 and acted carelessly and recklessly by drinking alcohol before and during operation of his vessel on the night of the subject incident such that his normal faculties were impaired; by drinking before and during the operation of his boat on the night of the subject incident resulting in TOWRISS being impaired in his attention and concentration while in control of the subject vessel on the water; by failing to appoint a designated driver or captain who did not drink alcoholic beverages; by choosing to operate the subject vessel on the night of the incident after at least two mixed drinks and portions of multiple bottles of wine; by drinking the aforementioned alcoholic beverages which impaired TOWRISS's sense of a safe and appropriate speed for conditions as he attempted to navigate the subject vessel back through the inlet at Port Everglades; by drinking the aforementioned alcoholic beverages which impaired TOWRISS' judgment and impacted his route planning, speed of operation, and attentiveness to his surroundings; by impairing his functioning resulting in careless and reckless operation of the subject vessel; by drinking the aforementioned alcoholic beverages which rendered TOWRISS unable to use and account for navigational technology onboard the subject vessel, and by otherwise choosing to drink while operating the subject vessel on the night of December 30/31, 2019.

49. As a direct and proximate result of the statutory violations described above--including but not limited to one or more of the foregoing acts, omissions, and/or conduct described above in paragraph 48--Defendant, DANIEL TOWRISS, crashed his vessel "BLUE STEEL" into the jetty at Mizell Johnson State Park just past midnight during the early morning of December 31, 2019, which resulted in the Plaintiffs being tossed violently from the vessel and onto the rocks. TOWRISS drank alcoholic beverages and thus failed to keep a look out for his surroundings,

maintain a safe speed, plan his route, and use all available navigational technology and channel markers, and as a result TOWRISS slammed his boat into the jetty approximately 14 minutes after midnight on December 31, 2019. But for TOWRISS' conduct, acts, and/or omissions described herein, the crash would have been avoided and the Plaintiffs would have escaped injury.

50. The violations of Florida Statute § 327.35 by the Defendant proximately caused injuries and damages to the Plaintiff LAUREN SILAGYI in the past and in the future. The crash caused LAUREN SILAGYI to suffer catastrophic injuries including but not necessarily limited to skull fracture, traumatic brain injury, midline shift of the brain, brain bleeding, broken nose, tibial plateau fracture of the right leg, permanent facial scarring and disfigurement, and fractured ribs. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff LAUREN SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

51. The violations of Florida Statute § 327.35 by the Defendant proximately caused injuries and damages to the Plaintiff JARRET SILAGYI in the past and in the future. The crash caused JARRET SILAGYI to suffer serious injuries including but not necessarily limited to loss of consciousness, head trauma, complex laceration to his lip, pleural effusion, and nasal fracture. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff JARRET SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI, demand Judgment for damages against the Defendant, DANIEL TOWRISS, for economic and non-economic damages and losses suffered in the past and in the future as a result of the Plaintiffs' personal injuries including but not limited to: pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, and the loss of the capacity for the enjoyment of life; medical and health care expenses, medical care and treatment, loss of income and wages, loss of ability to earn income and wages, and other expenses incurred in the past and in the future, all court costs, all interest, attorney's fees, and any and all other damages which the Court deems just or appropriate.

**COUNT V – VIOLATION OF FLORIDA STATUTES §§ 327.32 and 327.33(1);
OPERATING A VESSEL IN A RECKLESS MANNER**

52. The Plaintiffs hereby adopt and re-allege paragraphs 1 through 21 above.

53. This is an action for violation of Florida Statutes §§ 327.32 and 327.33(1). Under Sections 327.32 and 327.33(1), a vessel operator and/or owner must exercise the highest degree of care to prevent injury to others and must avoid operation of his vessel in a reckless manner. Sections 327.32 and 327.33(1) apply to vessels and their operators and owners in Florida waters. Thus, these sections apply to the facts and circumstances of this case where Defendant DANIEL TOWRISS crashed his vessel, BLUE STEEL, into the jetty at Mizell Johnson State Park. Sections 327.32 and 327.33(1) give rise to civil liability and a private right of action against vessel owners and operators, like Defendant DANIEL TOWRISS who operate vessels in a reckless manner with a willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person.

54. In this case, Defendant DANIEL TOWRISS breached the statutory duty of care, violated Florida Statutes §§ 327.32 and 327.33(1), and acted recklessly by operating the subject

vessel without keeping a proper and sufficient lookout at all times, including when the vessel was underway; by operating the subject vessel at an excessive rate of speed based upon surrounding circumstances like the time of day and hazards in the water; by proceeding at an excessive speed likely to endanger lives and cause injury and which in fact did result in Plaintiffs being ejected from the subject vessel and severely, if not catastrophically injured; by failing to plan a safe route for the voyage and return trip on December 30-31, 2019; by failing to keep the subject vessel under proper control; by consuming alcohol before and during the subject voyage resulting in a reduction of his normal faculties; by failing to heed pertinent restrictions and/or navigational beacons on the water as well as other attendant circumstances so as not to endanger life, limb, and/or property; by failing to heed navigational rules; by failing to warn of known hazards and/or hazards which Defendant should have reasonably been aware of; by operating the vessel in a reckless and careless fashion; and by otherwise operating the subject vessel in a grossly negligent manner under the circumstances such that TOWRISS exhibited a conscious disregard or indifference to the life, safety, or rights of others. This conduct coupled with TOWRISS' consumption of alcoholic beverages, resulting reduction in his ability to rely on normal faculties, and TOWRISS' operation of the vessel at an incredibly excessive speed--underscored by force of the impact with the jetty, which threw both Plaintiff JARRET SILAGYI and LAUREN SILAGYI, out of the boat and onto the rocks--illustrates a wanton disregard for the safety of his passengers and other people on the water.

55. As a direct and proximate result of the conduct described above--including his wanton disregard for the safety of his passengers, including the Plaintiffs, Defendant, DANIEL TOWRISS, crashed his vessel "BLUE STEEL" into the jetty at Mizell Johnson State Park just past midnight on December 31, 2019, which resulted in the Plaintiffs being tossed violently from the

vessel and onto the rocks. TOWRISS failed to keep a look out for his surroundings, maintain a safe speed, plan his route, and use all available navigational technology and channel markers, and as a result TOWRISS slammed his boat into the jetty approximately 14 minutes after midnight on December 31, 2019. But for TOWRISS' conduct, acts, and/or omissions described herein, the crash would have been avoided and the Plaintiffs would have escaped injury.

56. By violating Florida Statutes §§ 327.32 and 327.33(1), the Defendant proximately caused injuries and damages to the Plaintiff LAUREN SILAGYI in the past and in the future. The crash caused LAUREN SILAGYI to suffer catastrophic injuries including but not necessarily limited to skull fracture, traumatic brain injury, midline shift of the brain, brain bleeding, broken nose, tibial plateau fracture of the right leg, permanent facial scarring and disfigurement, and fractured ribs. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff LAUREN SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or continuing and the Plaintiff will suffer the losses in the future.

57. The violations of Florida Statutes §§ 327.32 and 327.33(1) by the Defendant proximately caused injuries and damages to the Plaintiff JARRET SILAGYI in the past and in the future. The crash caused JARRET SILAGYI to suffer serious injuries including but not necessarily limited to loss of consciousness, head trauma, complex laceration to his lip, pleural effusion, and nasal fracture. Because of the acts and omissions of DANIEL TOWRISS, Plaintiff JARRET SILAGYI has suffered bodily injury and resulting pain, suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical care and treatment, loss of earnings, and loss of ability to earn money. The losses are either permanent or

continuing and the Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiffs, JARRET SILAGYI and LAUREN SILAGYI, demand Judgment for damages against the Defendant, DANIEL TOWRISS, for economic and non-economic damages and losses suffered in the past and in the future as a result of the Plaintiffs' personal injuries including but not limited to: pain, suffering, disability, physical impairment, scarring, disfigurement, mental anguish, inconvenience, aggravation of a disease or physical defect, and the loss of the capacity for the enjoyment of life; medical and health care expenses, medical care and treatment, loss of income and wages, loss of ability to earn income and wages, and other expenses incurred in the past and in the future, all court costs, all interest, attorney's fees, and any and all other damages which the Court deems just or appropriate.

COUNT VI- LOSS OF CONSORTIUM (JARRET SILAGYI)

58. The Plaintiffs hereby adopt and reallege each and every allegation in paragraphs 1 through 21, above.

59. As of the date of the incident and at all times material hereto, the Plaintiff, JARRET SILAGYI, was married to the Plaintiff, LAUREN SILAGYI.

60. The negligence of the Defendant proximately caused injuries and damages to the Plaintiff, LAUREN SILAGYI. Those injuries and damages have caused her spouse, JARRET SILAGYI, to lose the consortium, companionship, attention, services, comfort, and society of the injured spouse and those losses will continue in the future.

WHEREFORE, the Plaintiff's spouse, JARRET SILAGYI, demands Judgment against the Defendant for damages suffered as a result of his loss of consortium, attention, companionship, services, comfort, and society of the injured spouse, and all economic damages, including but not limited to medical expenses, loss of compensation through the loss of regular

periodic pay, raises, overtime, promotions, bonuses, benefits, and other economic damages as a result of the subject accident, in the past and in the future, all court costs, all interest, and any and all other damages which the Court deems just or appropriate.

COUNT VII- LOSS OF CONSORTIUM (LAUREN SILAGYI)

61. The Plaintiffs hereby adopt and reallege each and every allegation in paragraphs 1 through 21, above.

62. As of the date of the incident and at all times material hereto, the Plaintiff, LAUREN SILAGYI, was married to the Plaintiff, JARRET SILAGYI.

63. The negligence of the Defendant proximately caused injuries and damages to the Plaintiff, JARRET SILAGYI. Those injuries and damages have caused his spouse, LAUREN SILAGYI, to lose the consortium, companionship, attention, services, comfort, and society of the injured spouse and those losses will continue in the future.

WHEREFORE, the Plaintiff's spouse, LAUREN SILAGYI, demands Judgment against the Defendant for damages suffered as a result of her loss of consortium, attention, companionship, services, comfort, and society of the injured spouse, and all economic damages, including but not limited to medical expenses, loss of compensation through the loss of regular periodic pay, raises, overtime, promotions, bonuses, benefits, and other economic damages as a result of the subject accident, in the past and in the future, all court costs, all interest, and any and all other damages which the Court deems just or appropriate.

DEMAND FOR JURY TRIAL

The Plaintiff hereby demands Trial by Jury of all issues.

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