

IN THE CIRCUIT COURT IN AND FOR
HILLSBOROUGH COUNTY, FLORIDA

SAMER SAQER and
SAMER SAMHOURY,

CASE NO.:

Plaintiffs,

v.

PAUL RYAN YOUNG, Individually, and
ALLSTAR BODY SHOP OF TAMPA, L.L.C., a
Limited Liability Company,

Defendant.

COMPLAINT

Plaintiffs, SAMER SAQER and SAMER SAMHOURY, individually, by and through undersigned counsel, bring this action and complaint for damages and demand for jury trial against Defendants PAUL RYAN YOUNG, individually, and ALLSTAR BODY SHOP OF TAMPA, L.L.C., a Limited Liability Company. Plaintiffs bring these claims, and allege as follows:

NATURE OF THE COMPLAINT

1. This is a civil action brought on behalf of Samer Saqer and Samer Samhoury (“Plaintiffs”) against Paul Ryan Young, individually, and Allstar Body Shop of Tampa, L.L.C., collectively (“Defendants”).

2. Plaintiffs bring claims of assault, battery, and intentional infliction of emotional distress against Defendant Paul Ryan Young and hold Defendant Allstar Body Shop of Tampa, L.L.C., vicariously liable, through the doctrine of respondeat superior, for these actions.

3. Plaintiffs bring the claim of negligent hiring against Defendant Allstar Body Shop of Tampa, L.L.C.

PARTIES

4. Plaintiffs Samer Saqer (“Saqer”) and Samer Samhoury (“Samhoury”) are cousins and are citizens of the United States of Palestinian descent.

5. Defendant Allstar Body Shop of Tampa, L.L.C. (“Allstar”), is a corporation engaged in the business of repairing cars.

6. Defendant Allstar is a Florida business owned by Defendant Young’s family. Rebecca Young, who upon information and belief is identified as Defendant Young’s mother, was the registered agent for the corporation at the time of the alleged wrongdoing and continues to be the registered agent.

7. Defendant Paul Ryan Young (“Young”) was an employee of Allstar at all times relevant to this complaint, who was under the scope of employment at the time of the incident.

JURISDICTION

8. This is an action for damages that exceed the sum of \$15,000.00, exclusive of interest and costs.

9. Pursuant to Section 48.193(1)(a), Florida Statutes, Defendant Allstar is subject to personal jurisdiction in Florida because it operates, conducts, engages in, or carries on a business or business venture within this state or has an office or agency within this state.

10. Young was an employee of Allstar, who engaged in activity associated with this incident at Allstar’s business in Hillsborough County.

BACKGROUND

11. Plaintiff Samhoury is a federal agent for the U.S. Department of Treasury with the Internal Revenue Service.

12. Plaintiff Saqer is an employee of a car dealership in the Tampa Bay area.

13. As a car dealership employee, Plaintiff Saqer has been conducting business regularly with Defendant Allstar for approximately five years.

14. On December 9, 2014, Plaintiff Saqer, accompanied by Plaintiff Samhoury, visited Defendant Allstar to contract for the detailing of a car.

15. That same day, Plaintiff Saqer dealt with Mr. Doug Young at Defendant Allstar, who quoted a price of \$300 for detailing the car.

16. Plaintiff Saqer tried to negotiate with Doug Young for a reduced price for the service, but the negotiations ended abruptly when Defendant Young, an Allstar employee, approached them, shouting slurs.

17. Defendant Young shouted at Plaintiffs Saqer and Samhoury, "You fucking Muslims! I hate your kind! You are always bitching about the price. I don't want you here. Go back to Afghanistan! You always ask for cheap things! Go back, you fucking Arabs!"

18. Plaintiff Saqer was too stunned to speak, and Plaintiff Samhoury tried to calm Defendant Young down by informing him that he is a federal government agent and that his behavior was not necessary. Doug Young did not make any effort to stop his employee from humiliating and discriminating against Plaintiffs Saqer and Samhoury.

19. Soon Defendant Young ran to his car and came back with a nine-millimeter handgun. He aimed the gun at Plaintiffs Samhoury and Saqer. He then pointed the gun directly at Plaintiff Samhoury's head.

20. Plaintiffs Saqer and Samhoury slowly moved back to their car.

21. Defendant Young pursued Saqer and Samhoury while still pointing the gun at them.

22. Defendant Young then pushed Plaintiff Saqer physically while still pointing the gun at Plaintiff Samhoury.

23. Defendant Young was close enough to Plaintiffs Saqer and Samhoury that Defendant Young was able to push Saqer forcibly with the gun still in his hands.

24. Plaintiffs Saqer and Samhoury feared that Defendant Young would shoot and kill them.

25. Defendant Young continued to aim his gun at Plaintiffs Saqer and Samhoury, even after they got into their vehicle.

26. Once Plaintiffs Saqer and Samhoury were out of danger, they contacted the police to report the incident.

27. The police later informed Plaintiffs Saqer and Samhoury that the gun used by Young was loaded.

28. Defendant Allstar hired, trained, and supervised Defendant Young.

29. Defendant Allstar knew or should have known that Defendant Young was aggressive, threatening, and violent.

30. A parent-child relationship exists between Defendant Young and Doug Young, who upon information and belief has significant power in hiring and firing employees at Allstar.

31. At all times relevant, Defendant Young was acting as an agent of Allstar, and was acting within the course and scope of his duties as employee of Allstar; specifically, his conduct was the kind he was employed to perform, and his conduct occurred within the time and space limits of his employment.

32. As a result of his conduct, Defendant Young was arrested for Improper Exhibition of a Dangerous Weapon or Firearm and Assault. Defendant Young subsequently plead guilty to lesser charges.

33. Plaintiffs suffered severe emotional distress, and were injured and damaged by the actions of Defendants Young and Allstar.

34. Specifically, Plaintiff Saqer lost income from his business after the incident due to emotional distress.

**COUNT I: ASSAULT- PLAINTIFFS SAQER AND SAMHOURY ALLEGE
AGAINST DEFENDANTS**

35. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 34 above, and further allege:

36. Defendant Young intentionally placed Plaintiffs Samhoury and Saqer in a reasonable fear of imminent harm.

37. Defendant Young intended to put Plaintiffs Samhoury and Saqer in imminent apprehension of harmful contact, when he aimed a nine-millimeter at Plaintiffs, then pursued Plaintiffs with said deadly weapon.

38. Defendant Young caused Plaintiffs' reasonable fear of imminent harm. Specifically, Plaintiffs' reasonably believed Defendant Young would shoot them because of Defendant Young's actions.

39. Defendant Allstar is vicariously liable for Defendant Young's assault of Plaintiffs Samhoury and Saqer because Defendant Allstar had knowledge of Defendant Young's aggressive, threatening and violent behavior, and the incident occurred within the scope of Defendant Young's employment.

40. Defendant Allstar acted willfully, wantonly, maliciously, and/or with deliberate and callous indifference to Plaintiffs' rights.

41. As a direct result of Defendant Young's wrongful conduct, Plaintiffs Samhoury and Saqer have suffered the injury described therein.

COUNT II: BATTERY- PLAINTIFF SAQER ALLEGES AGAINST DEFENDANTS

42. Plaintiff Saqer re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 34 above, and further alleges:

43. Defendant Young intended to cause unwelcome and offensive contact by pushing Plaintiff Saqer, while pointing a gun to Plaintiff Samhoury's head.

44. Because of the battery, Plaintiff Saqer suffered damages, including emotional and mental damage, pain and suffering, mental anguish and emotional distress.

45. Defendant Allstar is vicariously liable for Defendant Young's battery of Plaintiff Saqer because Defendant Allstar had knowledge of Defendant Young's aggressive, threatening and violent behavior, and the incident occurred within the scope of Defendant Young's employment.

46. Defendant Allstar acted willfully, wantonly, maliciously, and/or with deliberate and callous indifference to Plaintiffs' rights.

47. Plaintiff Saqer requests all relief that is just and equitable, including compensatory damages.

COUNT III: INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS- PLAINTIFFS SAMHOURY AND SAQER ALLEGE AGAINST DEFENDANTS

48. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 34 above, and further allege:

49. Defendant Young's acts were intentional such that Defendant Young knew or should have known that emotional distress would likely result.

50. Defendant Young's action of shouting "you fucking Muslims! I hate your kind! You are always bitching about the price. I don't want you here. Go back to Afghanistan! You always ask for cheap things! Go back, you fucking Arabs!" was extreme beyond all bounds of decency and would be deemed utterly intolerable in a civilized society.

51. Moreover, Defendant Young's threat to Plaintiffs with a deadly weapon, and subsequent pursuit of Plaintiffs was extreme beyond all bounds of decency and would be deemed utterly intolerable in a civilized society.

52. Defendant Allstar is vicariously liable for Defendant Young's intentional infliction of emotional distress against Plaintiffs Samhoury and Saqer because Defendant Allstar had knowledge of Defendant Young's aggressive, threatening and violent behavior, and the incident occurred within the scope of Defendant Young's employment.

53. Defendant Allstar acted willfully, wantonly, maliciously, recklessly, and/or with deliberate and callous indifference to Plaintiffs' rights.

54. The outrageous and reckless behavior of Defendants has caused Plaintiffs severe emotional distress and has inflicted mental suffering upon Plaintiffs.

**COUNT IV: NEGLIGENT HIRING- PLAINTIFFS SAMHOURY AND SAQER
ALLEGE AGAINST DEFENDANT ALLSTAR**

55. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 34 above, and further allege:

56. Defendant Allstar had a duty not to hire employees that they knew or should have known to be dangerous to others.

57. Due to the parent-child relationship between Defendant Allstar and Defendant Young, Defendant Allstar knew or should have known that Defendant Young had the capability to be aggressive, threatening, and violent.

58. Defendant Allstar breached their duty to Plaintiffs by hiring Defendant Young.

59. Defendant Allstar's breach of that duty was the proximate cause of the mental and emotional damage and other injuries resulting from the assault against Plaintiffs.

60. As a result of Defendant Allstar's breach of its duty, Plaintiffs were injured and suffered damages, including mental injury and emotional pain and suffering arising from the incident.

61. Defendant Allstar's negligence was gross, willful, wanton, and/or in callous disregard for Plaintiff's health and safety.

62. Plaintiffs request all relief that is just and equitable.

**COUNT V: NEGLIGENT TRAINING- PLAINTIFFS SAMHOURY AND SAQER
ALLEGE AGAINST DEFENDANT ALLSTAR**

63. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 34 above, and further allege:

64. Defendant Allstar had a duty to properly train its employees to prevent injury to Plaintiffs resulting from threat of violence by an employee or agent.

65. Defendant Allstar breached their duty to Plaintiffs.

66. Defendant Allstar's breach of that duty was the proximate cause of the mental and emotional damage and other injuries resulting from the assault against Plaintiffs.

67. As a result of Defendant Allstar's breach of its duty, Plaintiffs were injured and suffered damages, including mental injury and emotional pain and suffering arising from the incident.

68. Defendant Allstar's negligence was gross, willful, wanton, and/or in callous disregard for Plaintiff's health and safety.

69. Plaintiffs request all relief that is just and equitable.

COUNT VI: NEGLIGENT SUPERVISION- PLAINTIFFS SAMHOURY AND SAQER ALLEGE AGAINST DEFENDANT ALLSTAR

70. Plaintiffs re-allege and incorporate by reference the allegations contained in paragraphs 1 through 34 above, and further allege:

71. Defendant Allstar had a duty to properly supervise their employees that they knew or should have known to be dangerous to others to prevent injury to Plaintiffs resulting from threat of violence by an employee or agent.

72. Defendant Allstar breached their duty to Plaintiffs.

73. Defendant Allstar's breach of that duty was the proximate cause of the mental and emotional damage and other injuries resulting from the assault against Plaintiffs.

74. As a result of Defendant Allstar's breach of its duty, Plaintiffs were injured and suffered damages, including mental injury and emotional pain and suffering arising from the incident.

75. Defendant Allstar's negligence was gross, willful, wanton, and/or in callous disregard for Plaintiff's health and safety.

76. Plaintiffs request all relief that is just and equitable

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court:

- a. Assume jurisdiction of this case;
- b. Award compensatory damages to Plaintiffs for lost income, emotional pain, suffering, and humiliation caused by Defendants' acts against Plaintiffs;

- c. Award punitive damages caused by Defendants' tortious behavior taken with malice and reckless disregard of Plaintiffs;
- d. Award Plaintiffs their reasonable attorney fees and costs of this action; and
- e. Award such other relief as this court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on all issues so triable in this action.

Respectfully Submitted,

/s/ Katherine Heffner

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Dated: August 23, 2016

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