

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL
CIRCUIT DUVAL COUNTY, FLORIDA

CIVIL ACTION

KIMBERLY M. COBB, Personal
Representative of the ESTATE OF
ISAIAH M. JOHNSON,

PLAINTIFF,

v.

JUSTIN M. MORIN; CDA
TECHNICAL INSTITUTE, INC. a/k/a
COMMERCIAL DIVING ACADEMY
OF JACKSONVILLE, LLC; GINNIE
SPRINGS OUTDOORS, LLC.

DEFENDANTS.

CASE NO. 2022-CA-002517-XXXX-MA

**FIRST AMENDED COMPLAINT FOR
DAMAGES AND DEMAND FOR JURY TRIAL**

Plaintiff KIMBERLY M. COBB ("MRS. COBB") through undersigned counsel, files this First Amended Complaint for Damages as a matter of course pursuant to Florida Rule of Civil Procedure 1.190 and sues jointly and severally JUSTIN M. MORIN ("MORIN"), CDA TECHNICAL INSTITUTE, INC. a/k/a COMMERCIAL DIVING ACADEMY OF JACKSONVILLE, LLC ("CDA"), and GINNIE SPRINGS OUTDOORS, LLC. ("GINNIE SPRINGS"); collectively,

("DEFENDANTS") and allege as follows:

1. This is a wrongful death action arising from MORIN's negligent handling and use of CDA scuba diving equipment during an event for recent CDA graduates at GINNIE SPRINGS, ultimately resulting in the death of ISAIAH M. JOHNSON ("ISAIAH").
2. Plaintiff, MRS. COBB, is the surviving mother of ISAIAH and the personal representative of his estate and seeks relief against MORIN and GINNIE SPRINGS under Florida Statute § 768.19. MRS. COBB also seeks relief against CDA through vicarious liability.
3. MRS. COBB seeks compensation for the tortious actions of MORIN, CDA, and GINNIE SPRINGS whose negligent actions caused and/or contributed to the wrongful death of ISAIAH.

JURISDICTION AND VENUE

4. This is an action for damages that exceed \$30,000.00, exclusive of Pre-judgment interest, attorney's fees, and the cost of this action.
5. This Honorable Court has original jurisdiction over this action and the parties named herein pursuant to the provisions of Florida Statute § 768.18.
6. All actions material to the Complaint have occurred within two (2) years of the filing of this Action.

7. Venue is proper in Duval County, Florida given DEFENDANTS either reside or are incorporated in Jacksonville, Florida.

8. MRS. COBB's claim for relief is predicated upon State law for all claims arising from violations of State statutes and common law.

9. At all times material hereto, the acts, omissions, practices, and other conduct of MORIN were committed within the course and scope of his employment for CDA.

PARTIES

10. At all times material hereto, MRS. COBB was the biological mother (and now surviving mother) of ISAIAH.

11. At all times material hereto, ISAIAH was a 21-year-old single black male.

12. At all times material hereto, MRS. COBB was and is a resident of Hillsborough County, Florida, and currently is a citizen of the United States. MRS. COBB has retained the services of undersigned counsel and is obligated to pay a reasonable attorney's fee for such services in pursuing the claim.

13. At all times material hereto, Defendant CDA was and currently is a Florida corporation and promotes itself as a "post-secondary school designed to provide the diving, inspection, maritime, medical industries and electrical industries with entry level personnel, who excel in superior knowledge, skill, safety, and work

ethic.”¹

14. At all times material hereto, Defendant MORIN, was a CDA dive instructor and employee, acting within the course and scope of his employment.

15. At all times material hereto, Defendant GINNIE SPRINGS was and currently is a Florida corporation and is a privately owned park in Gilchrist County, Florida.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

16. In August 2021, ISAIAH graduated from CDA as a certified underwater welder along with several other CDA classmates.

17. On September 4, 2021, MORIN, one of ISAIAH’s CDA diving instructors, hosted a CDA event at the GINNIE SPRINGS for ISAIAH and other members of ISAIAH’s graduation in celebration of their recent graduation.

18. GINNIE SPRINGS is a privately-owned outdoor park located in Gilchrist County, FL that allows camping and a range of other outdoor activities, including SCUBA diving.

19. When patrons intend to SCUBA dive at the park, GINNIE SPRINGS requires them to register at the park front office with the Dive Manager.

20. GINNIE SPRINGS does not have a system to verify whether someone

¹ Per the CDA Technical Institute Catalog.

diving at their park actually checked in with the front office.

21. GINNIE SPRINGS did not have emergency protocols in place to properly prevent diving related drownings at their park.

22. GINNIE SPRINGS did not employ emergency SCUBA divers on scene to act in case of a diving accident.

23. MORIN did not register at GINNIE SPRINGS' front office and failed to inform the dive manager that he and his group intended to SCUBA dive.

24. MORIN arrived at GINNIE SPRINGS with several sets of CDA SCUBA gear.

25. CDA allowed MORIN to handle and use CDA gear outside of school hours and also for this event.

26. MORIN also brought to and consumed at GINNIE SPRINGS alcohol and narcotics, including but not limited to marijuana, LSD, and psilocybin mushrooms.

27. MORIN allowed some of the recent graduates, including ISAIAH, to use the CDA SCUBA gear.

28. Upon graduation, ISAIAH was only certified as an open water diver for approximately one month, and only had experience as a "hardhat diver," with no experience as a SCUBA diver; as ISAIAH's instructor at CDA, MORIN knew this.

29. MORIN, on the other hand, was a certified dive instructor, with several qualifications and certificates related to diving, including SCUBA diving.
30. MORIN did not place any limits on the use of the CDA SCUBA diving equipment.
31. MORIN also did not supervise the use of CDA SCUBA diving equipment by ISALAH and other CDA classmates.
32. Soon after entering the water to SCUBA dive, ISALAH drowned.
33. After ISALAH's death, MORIN continued to host the CDA event at GINNIE SPRINGS that contained alcohol and narcotics.
34. The next day, GINNIE SPRINGS banned MORIN indefinitely due to breaking park rules.
35. CDA continued to employ MORIN and has failed to take any action against him concerning his involvement in this incident.
36. Since the incident, CDA has not revised or added any protocols or procedures concerning the handling, use, and supervision of its SCUBA equipment.

COUNT I: NEGLIGENCE AGAINST MORIN

37. MRS. COBB repeats and re-alleges each allegation set forth above in paragraphs "1" through "36" inclusive with the same force and effect as if more

fully set forth at length herein.

38. At all times relevant to this action, Defendant MORIN had a duty to properly handle, provide, and supervise the use of CDA SCUBA diving equipment.

39. On September 4, 2021, Defendant MORIN breached his duty to properly handle, provide, and supervise the use of CDA SCUBA diving equipment.

40. As a result of Defendant MORIN's breach, his actions were the actual and proximate cause of ISALAH's death.

41. WHEREFORE, MRS. COBB prays that this Honorable Court grant the following relief on her negligence claim:

- a. Judgement for compensatory damages against MORIN;
- b. Judgement for punitive damages against MORIN;
- c. Judgment for the costs and expenses of this negligence action;
- d. Judgement for pre-judgment interest on all economic losses;
- e. A trial by jury on all issues so triable; and
- f. Such other and further relief this Court may deem just, proper, and appropriate.

COUNT II: VICARIOUS LIABILITY (*Respondeat Superior*) AGAINST CDA

42. MRS. COBB repeats and re-alleges each allegation set forth above in paragraphs "1" through "36" inclusive with the same force and effect as if more

fully set forth at length herein.

43. At all times relevant to this action, Defendant MORIN was employed by Defendant CDA and was acting within the scope and course of his employment.

44. Therefore, Defendant CDA acted through its employee, Defendant MORIN, when it negligently handled, provided, and supervised the use of CDA SCUBA diving gear.

45. Additionally, Defendant CDA ratified Defendant MORIN's conduct by not taking the appropriate remedial actions and continued to benefit from his employment at CDA.

46. WHEREFORE, MRS. COBB prays that this Honorable Court grant the following relief on her negligence claim:

- a. Judgement for compensatory damages against CDA;
- b. Judgement for punitive damages against CDA;
- c. Judgment for the costs and expenses of this negligence action;
- d. Judgement for pre-judgment interest on all economic losses;
- e. A trial by jury on all issues so triable; and
- f. Such other and further relief this Court may deem just, proper, and appropriate.

COUNT III: NEGLIGENCE CLAIM AGAINST GINNIE SPRINGS

47. MRS. COBB repeats and re-alleges each allegation set forth above in

paragraphs “1” through “36” inclusive with the same force and effect as if more fully set forth at length herein.

48. At all times relevant to this action, Defendant GINNIE SPRINGS had a duty to properly supervise diving activities at their park.

49. On September 4, 2021, Defendant GINNIE SPRINGS breached its duty to properly supervise diving activities at their park.

50. As a result of Defendant GINNIE SPRINGS’ breach, its actions were the actual and proximate cause of ISAIAH’s death.

51. WHEREFORE, MRS. COBB prays that this Honorable Court grant the following relief on her negligence claim:

- a. Judgement for compensatory damages against GINNIE SPRINGS;
- b. Judgement for punitive damages against GINNIE SPRINGS;
- c. Judgment for the costs and expenses of this negligence action;
- d. Judgement for pre-judgment interest on all economic losses;
- e. A trial by jury on all issues so triable; and
- f. Such other and further relief this Court may deem just, proper, and appropriate.

COUNT IV: WRONGFUL DEATH CLAIM
AGAINST MORIN, CDA, & GINNIE SPRINGS

52. PLAINTIFF repeats and re-alleges each allegation set forth above in

paragraphs “1” through “36” inclusive with the same force and effect as if more fully set forth at length herein.

53. The Estate of ISALAH M. JOHNSON has been or will be opened in Hillsborough County, Florida.

54. The following are the potential beneficiaries of a recovery for the wrongful death of ISALAH under the Florida Wrongful Death Act: MRS. COBB, Surviving Mother, residing in Hillsborough County, Florida.

55. Plaintiff, MRS. COBB, as surviving mother of ISALAH, and presumed personal representative of his estate, brings this action to recover the following damages, which were sustained as a direct and proximate result of the negligence of MORIN, CDA and GINNIE SPRINGS:

- a. Loss of support and services from the date of death and reduced to present value.
- b. For MRS. COBB, the surviving mother, mental pain and suffering from the date of death.
- c. Medical and funeral expenses due to ISALAH’s death for any survivor who has paid them.
- d. For the Estate of ISALAH, loss of earnings of ISALAH from the date of injury to the date of death (less lost support of survivors excluding contributions in kind, with interest).

JURY DEMAND

MRS. COBB hereby demands a trial by jury as to Counts I through IV.

Respectfully submitted this 21st day of June 2022.

/s/ Gregorio A. Francis

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