

IN THE CIRCUIT COURT OF THE 11<sup>th</sup>  
JUDICIAL CIRCUIT IN AND FOR MIAMI  
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

10-57757 CA 03

FBN: 0333336

**ARTURO CARVAJAL**

**Plaintiffs**

v.

**HILLSTONE RESTAURANT GROUP, INC. d/b/a  
HOUSTON'S RESTUARANT & ANDREW YAEGER**  
**Defendants**

401  
ISS. 2  
Rept 11-1505

CLERK OF COURT  
DADE COUNTY, FLA  
CIVIL #774  
2010 OCT 27 AM 9:45  
RECORDED  
ZEPOT ENNOVA

COMPLAINT

Plaintiff, **ARTURO CARVAJAL** sues the Defendant, **HILLSTONE RESTAURANT GROUP, INC. d/b/a HOUSTON'S RESTAURANT** and **ANDREW YAEGER** and alleges:

1. This is an action for damages in excess of \$15,000.
2. Plaintiff is a resident of Miami Dade County, Florida.
3. The Defendant, **HILLSTONE RESTAURANT GROUP, INC. d/b/a HOUSTON'S RESTAURANT**, is a foreign corporation duly registered and conducting business in the State of Florida and does conduct business in Florida, including Miami Dade County.
4. Defendant, **ANDREW YAEGER**, was the General Manager of the Houston's

Restaurant Miami Dade County location, and is a resident of Miami Dade County.

5. On or about May 3, 2009, Plaintiff **ARTURO CARVAJAL** was a business invitee at the Defendants' Aventura Florida restaurant.
4. At that time and place, his table server offered a special item; not described on the menu, "Grilled Artichokes;" which Plaintiff advised he had never seen or heard of previously; and ordered same. Neither at that time; nor at the time the "Grilled Artichokes" were served to Plaintiff, did the Defendant's order taking server or the Defendant's food delivery server ask Plaintiff whether he was familiar with how to eat "Grilled Artichokes" or explain to Plaintiff that outside portion of the leaf should not be eaten; rather, only the inside portion of the leaf was safely digestible.
5. The Defendants **HILLSTONE RESTAURANT GROUP, INC. d/b/a HOUSTON'S RESTUARANT**, by and through and its table servers, **and** its General Manager, **ANDREW YAEGER**, had a duty to use reasonable care with respect to the serving and explanation of items not described on the menu; which by their appearance as served appeared wholly consumable. The Defendants had a duty to train its table servers to explain to customers the proper method of consuming an artichoke; which by its appearance as served appeared to be wholly consumable.
6. The Defendants **HILLSTONE RESTAURANT GROUP, INC. d/b/a HOUSTON'S RESTUARANT**, by and through and its table servers, **and** its General Manager, **ANDREW YAEGER**, were negligent in failing to train

its table servers to explain to customers the proper method of consuming an artichoke; which by its appearance as served appeared to be wholly consumable; and/or its table servers were negligent in failing to explain to Plaintiff the proper method of consuming an artichoke .

- 7.. As a result, following consumption of the artichokes, Plaintiff began experiencing severe abdominal pain and discomfort; presented to a local hospital for examination; at which time Plaintiff was admitted and an exploratory laparotomy was performed where artichoke leaves were found lodged within Plaintiff's small bowell. Plaintiff **ARTURO CARVAJAL** suffered bodily injury, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, and aggravation of pre-existing conditions. .

WHEREFORE, Plaintiffs, **ARTURO CARVAJAL** demands judgment for damages against the Defendant,, taxable costs and demand trial by jury.

Dated: October 25, 2010.

**MANDINA & GINSBERG, LLP**  
15500 New Barn Road  
Suite 107  
Miami Lakes, Fl, 33014  
305-358-1181

By: 

**MARC R. GINSBERG**