

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT,
IN AND FOR PALM BEACH COUNTY,
FLORIDA

MARC E. BROCKMAN,
Plaintiff,

20 2008 CA 002832 XXXX HB

vs.

DR. CARMEN PULIAFITO and
UNIVERSITY OF MIAMI
d/b/a BASCOM PALMER EYE
INSTITUTE and d/b/a BASCOM
PALMER OF THE PALM BEACHES,

Defendants.

FILED
06 MAR 21 PM 2:33
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 6

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COMPLAINT

Plaintiff, Marc E. Brockman, by and through his undersigned attorneys, sues the Defendants, Dr. Carmen Puliafito and University of Miami d/b/a Bascom Palmer Eye Institute and d/b/a Bascom Palmer of the Palm Beaches, and alleges as follows:

1. This is an action for damages in excess of \$15,000.00.
2. At all times material hereto the Defendant, Dr. Carmen Puliafito, was a resident of the State of Florida.
3. At all times material hereto the Defendant, University of Miami, was a corporation authorized

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and doing business in the State of Florida and, in particular, in Palm Beach County, Florida.

4. All causes of action set forth herein took place in Palm Beach County, Florida.
5. At all times material hereto the Plaintiff was employed as an optometrist in the Department of Ophthalmology at the Palm Beach site of Bascom Palmer Eye Institute.
6. The University of Miami owns and operates the Bascom Palmer Eye Institute.
7. At all times material hereto, the Defendant, Dr. Carmen Pulfiato, was employed by the Defendant, University of Miami d/b/a Bascom Palmer Eye Institute and d/b/a Bascom Palmer of the Palm Beaches. Dr. Puliafito was employed as a professor and chairman of the Department of Ophthalmology at the University of Miami's Medical School and as medical director of the Anne Bates Leach Eye Hospital.

COUNT I - ASSAULT AND BATTERY

8. The Plaintiff readopts and ralleges paragraphs 1-7 as if fully set forth herein.
9. On or about April 4th, 2002 the Defendant, Dr. Carmen Puliafito was present at the Palm Beach

County site of the Bascom Palmer Eye Institute. On that date, he summoned the Plaintiff and the Administrative Director, Nicola Duhmel, into the Clinic. Dr. Puliafito was upset that a piece of equipment was not working.

10. Dr. Puliafito then became visibly upset and began to verbally assault the Plaintiff, Marc E. Brockman.
11. Dr. Puliafito became so enraged that he grabbed Mr. Brockman by the collar of his lab coat and lifted him up choking him and screaming profanity at him.
12. Subsequent to this event, the Plaintiff reported Dr. Puliafito's actions through the appropriate channels at the University of Miami. The University took no significant action in response to Dr. Puliafito's outrageous behavior. Eventually, due to the inactivity on the part of the University, the Plaintiff filed a criminal complaint to the Palm Beach Gardens Police Department on or about March 31st, 2003.
13. On or about April 23rd, 2003, the University of Miami terminated the Plaintiff's employment alleging financial constraints as the reason.

Dr. Puliafito approved the decision to terminate the Plaintiff's employment.

14. However, at the time of the Plaintiff's termination, plans were under way to significantly enlarge the Bascom Palmer facility in Palm Beach County. The facility has been significantly increased and staffing increased since the time of the Plaintiff's termination.
15. The Plaintiff's termination from his employment was related, in whole or in part, to his actions in complaining about Dr. Puliafito's unlawful assault and battery upon him.
16. As a result of the actions alleged herein, the Plaintiff suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, loss of earnings and loss of ability to earn money. Plaintiff also forfeited and lost significant benefits which were attendant to his employment at the University of Miami. The losses are either permanent or continuing and the Plaintiff will continue to suffer said losses in the future.

WHEREFORE, the Plaintiff, Marc E. Brockman, demands judgment against the Defendant, Dr. Carmen Puliafito, for damages, costs and further demands trial by jury.

COUNT II - NEGLIGENT HIRING

17. Plaintiff readopts and realleges paragraphs 1-15 as if fully set forth herein.
18. The Defendant, Dr. Carmen Puliafito, was hired by the University of Miami in 2001.
19. Prior to joining the University of Miami, Dr. Puliafito served as professor and chairman of the Department of Ophthalmology at Tufts University School of Medicine in Boston, Massachusetts. Prior to and while at Tufts, Dr. Puliafito engaged in conduct quite similar to that alleged in Count I of this complaint.
20. At the time it hired Dr. Puliafito, the Defendant, University of Miami, knew or should have known that Dr. Puliafito's violent temper and history of outrageous behavior against employees and/or others.
21. As a consequence, Dr. Puliafito's unlawful actions toward the Plaintiff were foreseeable to

the Defendant, University of Miami, at the time it hired Dr. Puliafito.

22. Accordingly, the Defendant, University of Miami d/b/a Bascom Palmer Eye Institute and d/b/a Bascom Palmer of the Palm Beaches was negligent in its hiring of Dr. Carmen Puliafito and as a consequence is liable for the acts of Dr. Puliafito as alleged in Count I of the complaint.

23. As result of the actions alleged herein, the Plaintiff suffered bodily injury and resulting pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, loss of earnings and loss of ability to earn money. Plaintiff also forfeited and lost significant benefits which were attended to his employment at the University of Miami. The losses are either permanent or continuing and the Plaintiff will continue to suffer said losses in the future.

WHEREFORE, the Plaintiff, Marc E. Brockman, demands judgment against Defendant, University of Miami d/b/a Bascom Palmer Eye Institute and d/b/a

Bascom Palmer of the Palm Beaches, for damages,
taxable costs and further demands trial by jury.

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R E C E I P T

PALM BEACH CTY CIR CT JISPROD

Receipt Number: CAMB106395

Date: 21-MAR-2006

Cashier: CMMAY

Payor: DR MARC E BROCKMAN

Addr:

Violation/Docket	Description	Amount

Case: 2006CA002832 - MARC E BROCKMAN V DR. CARMEN PULIA		
Pa : MARC E BROCKMAN		
CAL	CLERK OF COURT PALM BEACH CT	130.00
CAFF	PALM BEACH REVIEW	1.00
CAFF	DEPT OF REVENUE TRUST FUNDS	75.00
CAFF	DEPT OF REV GENL REVENUE FUN	50.00
	CHECK RECEIVED GENERAL ACCT	-256.00

Total Fees: 256.00

Total Payment: 256.00

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