

IN THE CIRCUIT COURT FOR THE  
15TH JUDICIAL CIRCUIT IN AND FOR  
PALM BEACH COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

**LYDIE LAVENIR,**  
as Personal Representative of the  
Estate of **ENORA LAVENIR,**

Plaintiff,

v.

**JURY TRIAL DEMANDED**

**RONALD M. CORTAMILIA,**  
**YULIA A. TIMPY,**  
and **AARON KORNHAUSER,**

Defendants.

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**WRONGFUL DEATH COMPLAINT**

Plaintiff hereby sues Defendants Ronald M. Cortamilia, Yulia A. Timpy, and Aaron Kornhauser for damages, and further states as follows:

**THE PARTIES**

1. This is a wrongful death action for damages in excess of this Court's jurisdictional minimum limit of \$30,000, exclusive of costs and interest, brought, in part, pursuant to Florida's Wrongful Death Act, § 768.16 *et seq.*, and is otherwise within the jurisdiction of this Court.

2. Plaintiff Lydie Lavenir was and is over the age of 18 years and is otherwise *sui juris*. Plaintiff Lydie Lavenir is the mother of Enora Lavenir (hereinafter referred to as "Enora"), and is, or will soon be, the Personal Representative of her Estate. Plaintiff Lydie Lavenir is a survivor of Enora, pursuant to Fla. Stat. § 768.18(1), because she is a surviving parent. Lydie brings this action on behalf of herself and all survivors, including Enora's father, Boris Lavenir.

3. At all times material, Defendant Ronald M. Cortamilia was and is over the age of 18 years, and is otherwise *sui juris*.

4. At all times material, Defendant Ronald M. Cortamilia owned, maintained, controlled, operated, and rented out a residence located at 1618 The Twelfth Fairway, Wellington, Florida 33414 (hereinafter the “subject premises” or “subject property”), and is thereby subject to the jurisdiction of this Court.

5. At all times material, Defendant Yulia A. Timpy was and is a resident of Florida, over the age of 18 years, and is otherwise *sui juris*.

6. At all times material, Defendant Yulia A. Timpy managed, controlled, maintained, operated, and rented out the subject premises, and was responsible for the rental of the subject premises.

7. At all times material, Defendant Aaron Kornhauser was and is a resident of Florida, over the age of 18 years, and is otherwise *sui juris*.

#### **GENERAL ALLEGATIONS**

8. Airbnb is a global brokerage marketplace that allows property owners (referred to as “hosts”) to make their properties available for rent to customers (referred to as “guests”). Airbnb advertises, promotes, lists, and rents over six million listings in 191 countries, and on any given night two million guests stay in Airbnb rentals. For each booking, Airbnb collects a three percent commission from its hosts, and up to a 14 percent service fee from its guests.

9. Through its online platform, Airbnb collects information from hosts and guests and uses that information, along with its own content, to create and advertise its millions of listings. Guests are invited to insert into the platform information to assist with their booking—such as

date, location, and guest count—and then receive from Airbnb a list of available options with photographs and additional information for each.

10. Airbnb's customers include families and guests of all ages, and at the time of booking Airbnb requires each guest to be accounted for as an adult, child, or infant.

11. Airbnb's business model involves sending guests into properties owned and controlled by hosts.

### **Widespread Drug Use in Airbnb Rentals and America's Fentanyl Crisis**

12. Airbnb and its hosts have known for years that drug use is prevalent in their properties, including those same properties that are rented out to families with children and infants.

13. "Fentanyl is the single deadliest drug threat our nation has ever encountered," said DEA Administrator Anne Milgram.

14. The drug was originally developed for pain management treatment for cancer patients but has been abused in alarming numbers because of its powerful opioid properties. It is 50 times more potent than heroin and 100 times more potent than morphine.

15. Illicitly manufactured Fentanyl is commonly sold in powder or pill form. It looks just like, and is sometimes mistaken for, other drugs, and is often mixed in with other drugs.

16. Only two milligrams of Fentanyl is considered a potentially lethal dose, and the drug is particularly dangerous for someone who does not have a tolerance to opioids. According to the CDC, 66 percent of American drug overdoses in 2021 were caused by synthetic opioids like Fentanyl, which killed nearly 200 people per day for a total of approximately 71,238 deaths in 2021, a 23 percent increase from the previous year.

17. Children exposed to Fentanyl are dying all over the country. *See* <https://www.businessreport.com/business/louisianas-dcfs-head-resigns-after-second-child-dies->

from-fentanyl (November 2022 – 20-month-old and two-year-old in Louisiana); <https://www.kktv.com/2022/09/27/mom-charged-toddlers-fentanyl-overdose-death-police-say/> (September 2022 – 22-month-old boy in Iowa); <https://www.dea.gov/press-releases/2022/08/18/oklahoma-couple-charged-second-degree-murder-childs-fentanyl-overdose> (August 2022 – six-year-old boy in Oklahoma); <https://www.blackhillsfox.com/2022/08/07/parents-child-who-died-fentanyl-charged-with-murder/> (August 2022 – 15-month-old baby in Northern California); <https://www.fox5vegas.com/2022/07/14/las-vegas-police-say-child-found-dead-after-ingesting-fentanyl-laced-pill-while-alone-hotel-room/> (July 2022 – Child three to four years old in Nevada); <https://www.nbc15.com/2022/07/12/parents-arrested-after-child-dies-fentanyl-exposure-authorities-say/> (July 2022 – 18-month-old baby in Wisconsin); <https://www.kktv.com/2022/07/01/18-month-old-child-colorado-springs-child-dies-fentanyl-overdose/> (July 2022 – 15-month-old baby in Colorado); <https://www.newsobserver.com/news/nation-world/national/article262956833.html> (June 2022 – 15-month-old toddler); <https://www.cbsnews.com/sanfrancisco/news/shocking-north-bay-toddler-death-latest-reminder-of-fentanyl-crisis/> (May 2022 – 15-month-old baby girl in California); <https://www.nytimes.com/2021/12/02/nyregion/father-charged-toddler-fentanyl-death.html> (“In just the past few months [at the end of 2021], fentanyl and other opioids have been linked to the deaths of an 11-month-old girl in South Carolina, a 10-month-old in Pennsylvania, a two-year-old boy in Indiana and a 15-month-old boy in California.”).

18. “A fentanyl overdose can happen very quickly with a very small amount of the drug, DCF Commissioner Vanessa Dorantes said. ‘Children are constantly putting their hands in their mouth,’ Dorantes said. Fentanyl is so lethal that even a small amount of residue left on a table

or on someone's hands can kill a small child quickly if first responders do not recognize the signs, DCF officials said. 'When a child is lethargic, it can come across that it's something else,' Dorantes said." <https://www.ctinsider.com/news/article/Infant-toddler-fentanyl-overdoses-Connecticut-17524524.php>.

19. "Fentanyl depresses the respiratory system and heart rate, said Dr. Nicole Taylor, director of pediatrics for DCF. 'It takes minutes for an adult to start feeling the effects of fentanyl,' Taylor said. 'For a little infant, it only takes a small amount for the child to overdose.'" A Fentanyl overdose will decrease the amount of oxygen that reaches the brain, a condition called hypoxia. Hypoxia may lead to a coma, permanent brain damage, and death.

20. Departments of Children and Families across the United States, including in Connecticut, are now required to assess the safety of children in a home where Fentanyl *may be used*. "'Any person using or handling fentanyl in the home is a safety concern,' [DCF Deputy Commissioner Michael] Williams said."

#### **The Subject Property and the Lavenir Family's Booking**

21. The subject property is a four bedroom, two bath lake house in an affluent, residential neighborhood in Wellington, Florida.

22. At all times material, the subject property was managed, controlled, and maintained by Defendant Timpy, who was the agent for, and operated the subject premises on behalf of, Defendant Cortamilia. Defendant Timpy was also responsible for communicating and coordinating with guests prior to and during their stays, and was responsible for cleaning and maintaining the subject premises between reservations. At the time of check-in, Defendant Timpy would meet with guests to verify the reservation, give them access to the property, and go over any other pertinent matters.

23. Additionally, Defendant Timpy created listings for the subject premises, which Airbnb then used in its platform to promote, advertise, and rent. The Airbnb listing included multiple photographs showing the home in an apparent immaculate condition, and an invitation from Airbnb to “[r]elax with the whole family at this peaceful place to stay.” It also included information indicating that parties were prohibited in this property, and that Airbnb’s strictest cleaning requirements were met.

24. While in Florida, and after researching different properties on Airbnb’s platform in search of a safe rental for her family, Lydie Lavenir came across the listing for the subject premises and—believing it would in fact be a safe and peaceful place for her, her husband, Boris Lavenir, and their five children—reserved a stay for August 6 through 9, 2021.

25. The representations made by Airbnb created, to say the least, a false sense of security. In reality, the subject premises had a history of being used as a party house, and had just days earlier hosted a group of approximately a dozen adults who used cocaine and other drugs, including but not limited to Fentanyl, throughout the home, all of which Defendants Cortamilia and Timpy had actual or constructive knowledge of.

26. According to the accounts of neighbors, in late June or early July the home was being used for a large party, comprised of young males and females that appeared to be in their twenties. Additionally, on July 19, 2021, the subject premises was rented to a local woman for seven adults. At approximately 1:51am that day, the Palm Beach County Sheriff’s Office was dispatched to the subject premises in response to a “large loud party” with far more than seven people.

27. Most notably, days before the Lavenirs’ check-in date, Defendant Aaron Kornhauser was visiting Palm Beach County for a concert. He rented the subject premises from

July 30 through August 1, 2021, for six adults, but was actually staying there with approximately 11 other adults. Nonetheless, Defendant Timpy allowed them to check in.

28. During his stay, Defendant Kornhauser brought, and/or knowingly permitted others to bring, illicit drugs to the subject premises. Upon information and belief, the substances brought to and used on the property included, but were not limited to, powder cocaine, Fentanyl, and marijuana. These drugs were consumed throughout the subject premises, including in the bedrooms and on the kitchen counter.

29. Following Defendant Kornhauser's stay at the property, Defendant Timpy thanked him online: "You and your family was perfect tenants !! House was same way that I give it to you."

30. Although Defendants Timpy and Cortamilia knew or should have known about these incidents and risks, none of them provided any warning to guests or potential guests, including the Lavenir family.

#### **The Death of Enora Lavenir**

31. On August 6, 2021, Lydie, her husband, and their five children, including 19-month-old Enora, were visiting Florida for a family vacation.

32. The Lavenir family checked in at the subject premises on the afternoon of August 6, where they were met by Defendant Timpy who gave them access to the home.

33. After checking in to their Airbnb rental, Enora never left. Upon waking up the following morning, she spent the morning playing and relaxing with her siblings. Later that day, Enora and her older sister laid down on one of the beds to take a nap.

34. After more than an hour, Lydie went to check on Enora and found her unresponsive and foaming at the mouth. It was unknown to Lydie at the time, but Enora had come into contact with Fentanyl at the property.

35. While crying and screaming for help, Lydie performed chest compressions on Enora, but to no avail. Paramedics arrived as quickly as they could but were unable to revive Enora. She was rushed to the emergency room at Palms West Hospital where she was soon pronounced dead.

36. The medical examiner detected a lethal level of Fentanyl in Enora's blood and determined that her cause of death was acute Fentanyl toxicity. Toxicology readings indicated a quick death, ruling out the possibility that Enora came into contact with Fentanyl anywhere else but in the Airbnb rental.

**COUNT I**  
**WRONGFUL DEATH CLAIM AGAINST RONALD M. CORTAMILIA**

Plaintiff re-alleges and adopts Paragraphs 1 through 36, as if fully set forth herein.

37. At all times material, Defendant Ronald M. Cortamilia owned, maintained, controlled, operated, and rented out the subject premises.

38. At all times material, Ronald M. Cortamilia knew or should have known that drugs—including but not limited to Fentanyl—were used in the subject premises, and that those drugs and/or residue often remain in the subject premises after check-out and when future guests, including children, later check in.

39. At all times material, Ronald M. Cortamilia owed a nondelegable duty to keep the premises in a reasonably safe condition and to warn of dangerous conditions.

40. At all times material, Ronald M. Cortamilia assumed and/or owed a duty to take reasonable care for the safety of his guests, including the Lavenirs, to provide a property free of



lethal drugs and/or residue left behind from previous guests, to protect guests from lethal drugs and/or residue on the property, and to provide sufficient warning of the risk of harm.

41. At all times material, Ronald M. Cortamilia assumed and/or owed a duty to provide sufficient warning to guests, especially those with children and infants, that lethal drugs may have been used in the premises by other guests prior to their arrival, and that lethal drugs and/or residue may still be in the property.

42. At all times material, Ronald M. Cortamilia assumed and/or owed a duty to exercise reasonable care under the circumstances in cleaning, maintaining, decontaminating, and sanitizing the subject property—and/or in implementing adequate policies and procedures—to make it safe for guests and to eliminate lethal drugs and risks posed to guests.

43. At all times material, Ronald M. Cortamilia assumed and/or owed a duty to use reasonable care in investigating his property to assess the safety of his property for guests, particularly those traveling with children and infants. At all times material, Ronald M. Cortamilia should have recognized that such an assessment and/or investigation was necessary for the protection, safety, and well-being of guests and their children. At all times material, Ronald M. Cortamilia's failure to exercise reasonable care in his assessment and/or investigation of the subject premises increased the risk of harm to Enora.

44. At all times material, the Lavenirs relied on Ronald M. Cortamilia to exercise reasonable care in his assessment and/or investigation into the safety of the subject premises, and his failure resulted in harm to Enora.

45. Defendant Ronald M. Cortamilia, through the acts and omissions of his employees, agents, and/or servants, breached his duty of care to Plaintiff and Enora, and was negligent and careless in one or more of the following ways:

- a. Failing to properly inspect, safeguard, and maintain the subject premises;
- b. Failing to adequately clean, decontaminate, and/or sanitize the subject premises;
- c. Failing to change and/or adequately clean the bed sheets in the subject premises;
- d. Failing to adequately clean, decontaminate, and/or sanitize the countertops, surfaces, furniture, and floors in the subject premises;
- e. Failing to perform an adequate background check on guests at the subject premises;
- f. Failing to warn Plaintiff that lethal drugs had been used in the property when he knew or should have known that they had been, and failing to warn of the known risk that lethal drugs and/or residue, including Fentanyl, were in the subject premises;
- g. Failing to adequately assess the safety of the subject premises before the Lavenirs checked into the subject premises;
- h. Failing to investigate the activities of previous guests before the Lavenirs arrived at the subject premises;
- i. Failing to adequately train and supervise his employees, agents or those acting on his behalf, and/or failure to implement adequate policies or procedures, to inspect, clean, and maintain the subject premises to detect lethal drugs and/or residue on the property and eliminate the risk of harm to guests;
- j. Renting the Lavenirs a property that had Fentanyl in it;
- k. Failing to warn the Lavenirs that the property they rented had Fentanyl in it;
- l. Failing to warn the Lavenirs that previous renters of the subject premises had used drugs, including Fentanyl;
- m. Failing to detect Fentanyl in the property before renting it to the Lavenirs;
- n. Failing to remove Fentanyl from the property before renting it to the Lavenirs; and
- o. Allowing Fentanyl to remain in the subject premises rented to the Lavenirs.

46. Enora Lavenir died from acute fentanyl toxicity as a direct and proximate result of Defendant's above-described acts of negligence.

47. WHEREFORE, Lydie Lavenir, as Personal Representative of the Estate of Enora Lavenir, and on behalf of herself and Boris Lavenir as survivors of Enora Lavenir, demands judgment in the form of money damages, costs, interest, and attorney's fees as allowed by law as compensation for past and future mental pain and suffering, past and future loss of Enora Lavenir's companionship, support, and services, medical and funeral expenses, and all other damages permitted under Florida law.

**COUNT II**  
**WRONGFUL DEATH CLAIM AGAINST YULIA A. TIMPY**

Plaintiff re-alleges and adopts Paragraphs 1 through 36, as if fully set forth herein.

48. At all times material, Defendant Yulia A. Timpy managed, controlled, maintained, operated, and rented out the subject premises, and was responsible for the rental of the subject premises.

49. At all times material, Yulia A. Timpy knew or should have known that drugs—including but not limited to Fentanyl—were used in the subject premises, and that those drugs and/or residue often remain in the subject premises after check-out and when future guests, including children, later check in.

50. At all times material, Yulia A. Timpy owed a nondelegable duty to keep the premises in a reasonably safe condition and to warn of dangerous conditions.

51. At all times material, Yulia A. Timpy assumed and/or owed a duty to take reasonable care for the safety of his guests, including the Lavenirs, to provide a property free of lethal drugs and/or residue left behind from previous guests, to protect guests from lethal drugs and/or residue on the property, and to provide sufficient warning of the risk of harm.

52. At all times material, Yulia A. Timpy assumed and/or owed a duty to provide sufficient warning to guests, especially those with children and infants, that lethal drugs may have been used in the premises by other guests prior to their arrival, and that lethal drugs and/or residue may still be in the property.

53. At all times material, Yulia A. Timpy assumed and/or owed a duty to exercise reasonable care under the circumstances in cleaning, maintaining, decontaminating, and sanitizing the subject property—and/or in implementing adequate policies and procedures—to make it safe for guests and to eliminate lethal drugs and risks posed to guests.

54. At all times material, Yulia A. Timpy assumed and/or owed a duty to use reasonable care in investigating the subject property to assess its safety for guests, particularly those traveling with children and infants. At all times material, Yulia A. Timpy should have recognized that such an assessment and/or investigation was necessary for the protection, safety, and well-being of guests and their children. At all times material, Yulia A. Timpy's failure to exercise reasonable care in her assessment and/or investigation of the subject premises increased the risk of harm to Enora.

55. At all times material, the Lavenirs relied on Yulia A. Timpy to exercise reasonable care in her assessment and/or investigation into the safety of the subject premises, and her failure resulted in harm to Enora.

56. Defendant Yulia A. Timpy, through the acts and omissions of her employees, agents, and/or servants, breached his duty of care to Plaintiff and Enora, and was negligent and careless in one or more of the following ways:

- a. Failing to properly inspect, safeguard, and maintain the subject premises;
- b. Failing to adequately clean, decontaminate, and/or sanitize the subject premises;

- c. Failing to change and/or adequately clean the bed sheets in the subject premises;
- d. Failing to adequately clean, decontaminate, and/or sanitize the countertops, surfaces, furniture, and floors in the subject premises;
- e. Failing to perform an adequate background check on guests at the subject premises;
- f. Failing to warn Plaintiff that lethal drugs had been used in the property when it knew or should have known that they had been, and failing to warn of the known risk that lethal drugs and/or residue, including Fentanyl, were in the subject premises;
- g. Failing to adequately assess the safety of the subject premises before the Lavenirs checked into the subject premises;
- h. Failing to investigate the activities of previous guests before the Lavenirs arrived at the subject premises;
- i. Failing to adequately train and supervise its employees, agents or those acting on its behalf, and/or failure to implement adequate policies or procedures, to inspect, clean, and maintain the subject premises to detect lethal drugs and/or residue on the property and eliminate the risk of harm to guests;
- j. Renting the Lavenirs a property that had Fentanyl in it;
- k. Failing to warn the Lavenirs that the property they rented had Fentanyl in it;
- l. Failing to warn the Lavenirs that previous renters of the subject premises had used drugs, including Fentanyl;
- m. Failing to detect Fentanyl in the property before renting it to the Lavenirs;
- n. Failing to remove Fentanyl from the property before renting it to the Lavenirs; and
- o. Allowing Fentanyl to remain in the subject premises rented to the Lavenirs.

57. Enora Lavenir died from acute fentanyl toxicity as a direct and proximate result of Defendant's above-described acts of negligence.

58. WHEREFORE, Lydie Lavenir, as Personal Representative of the Estate of Enora Lavenir, and on behalf of herself and Boris Lavenir as survivors of Enora Lavenir, demands judgment in the form of money damages, costs, interest, and attorney's fees as allowed by law as compensation for past and future mental pain and suffering, past and future loss of Enora Lavenir's companionship, support, and services, medical and funeral expenses, and all other damages permitted under Florida law.

**COUNT III**  
**WRONGFUL DEATH CLAIM AGAINST AARON KORNHAUSER**

Plaintiff re-alleges and adopts Paragraphs 1 through 36, as if fully set forth herein.

59. At all times material, Defendant Aaron Kornhauser rented and possessed the subject premises, and made it available to other guests.

60. At all times material, Defendant Aaron Kornhauser owed a duty to maintain the subject premises in a reasonably safe condition and to warn of dangerous conditions, including but not limited to drugs used and/or left behind on the subject premises.

61. At all times material, Defendant Aaron Kornhauser owed a duty to the public and foreseeable future guests of the subject premises to exercise reasonable care so that activities and conditions created at the subject premises during the time he possessed it did not create dangerous conditions for future foreseeable guests.

62. At all times material, including when he possessed the subject premises, Defendant Aaron Kornhauser breached his duties of care and was negligent and careless in one or more of the following ways:

- a. Leaving drugs and/or drug residue behind in the subject premises, including but not limited to cocaine and/or Fentanyl;
- b. Permitting others to use and leave behind drugs in the subject premises, including but not limited to cocaine and/or Fentanyl;

- c. Failing to properly inspect, safeguard, maintain, and clean the subject premises after permitting drugs to be used on the property in order to protect the safety of foreseeable future guests;
- d. Failing to warn Defendants, Plaintiffs, and/or other foreseeable future guests that drugs were used and left behind in the subject premises while the subject premises was in his possession;
- e. Allowing Fentanyl to be used and left behind in the subject premises despite substantial risk to the health and safety of guests and foreseeable future guests;

63. Enora Lavenir died from acute fentanyl toxicity as a direct and proximate result of Defendant's above-described acts of negligence.

64. WHEREFORE, Lydie Lavenir, as Personal Representative of the Estate of Enora Lavenir, and on behalf of herself and Boris Lavenir as survivors of Enora Lavenir, demands judgment in the form of money damages, costs, interest, and attorney's fees as allowed by law as compensation for past and future mental pain and suffering, past and future loss of Enora Lavenir's companionship, support, and services, medical and funeral expenses, and all other damages permitted under Florida law.

**COUNT IV**  
**VICARIOUS LIABILITY CLAIM AGAINST RONALD M. CORTAMILIA**

Plaintiff re-alleges and adopts Paragraphs 1 through 36, and 48 through 58, as if fully set forth herein.

65. At all times material, Defendant Ronald M. Cortamilia was and is vicariously liable by virtue of the doctrine of *respondeat superior* for the negligent acts and omissions of its employees, representatives, agents, and servants, including but not limited to Defendant Yulia A. Timpy, who at all times material was an employee, representative, agent, or servant of Defendant Ronald M. Cortamilia's.

66. As a direct and proximate result of the aforementioned negligence and breaches of Defendant Yulia A. Timpy, for which Defendant Ronald M. Cortamilia is vicariously liable, Enora Lavenir died from acute fentanyl toxicity.

67. WHEREFORE, Lydie Lavenir, as Personal Representative of the Estate of Enora Lavenir, and on behalf of herself and Boris Lavenir as survivors of Enora Lavenir, demands judgment in the form of money damages, costs, interest, and attorney's fees as allowed by law as compensation for past and future mental pain and suffering, past and future loss of Enora Lavenir's companionship, support, and services, medical and funeral expenses, and all other damages permitted under Florida law.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: December 6, 2022

**LEESFIELD SCOLARO, P.A.**

*Attorneys for Plaintiff*

2350 South Dixie Highway

Miami, Florida 33133

Telephone: 305-854-4900

Facsimile: 305-854-8266

Email: [Scolaro@Leesfield.com](mailto:Scolaro@Leesfield.com)

[Rose@Leesfield.com](mailto:Rose@Leesfield.com)

[Shepherd@Leesfield.com](mailto:Shepherd@Leesfield.com)

By:           /s Adam Rose          

**Thomas Scolaro**

Fla. Bar. No. 178276

**Adam T. Rose**

Fla. Bar No. 123673

**Michael C. Shepherd**

Fla. Bar No. 1018186