

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR SANTA ROSA COUNTY, FLORIDA
CIVIL DIVISION

MARY ANN STRICKLAND as Personal Representative
of the Estate of ANDREW DALTON STRICKLAND,

Plaintiff,

CASE NO.: _____

DIVISION: _____

vs.

PACE PHARMACY, LLC d/b/a PACE PHARMACY,
STEPHEN ALLEN BURKLOW, MONIQUE BURKLOW,
and DAVID BARRON WINKLES,

Defendants.

COMPLAINT FOR WRONGFUL DEATH

Plaintiff, Mary Ann Strickland as Personal Representative (“PR”), of the Estate of Andrew Dalton Strickland, through counsel, sues Defendants Pace Pharmacy, LLC, d/b/a Pace Pharmacy, Stephen Allen Burklow; Monique Burklow, and David Barron Winkles for the wrongful death of Andrew Strickland, and alleges as follows:

Jurisdictional Allegations and Allegations Common to All Counts:

1. This is an action for the wrongful death of Plaintiff’s son, Andrew Strickland, and is for damages which exceed the minimum jurisdictional limits of this Court.
2. At all times material to this action, Plaintiff resided and continues to reside in Escambia County, Florida, and at all times material, Defendants acted negligently, recklessly and intentionally in Santa Rosa County, Florida. Thus, venue is proper.
3. At all times material to this action, Plaintiff Mary Ann Strickland is the duty appointed Personal Representative of the Estate of Andrew Strickland. She is asserting claims on

behalf of the estate and its survivors, including herself and Vaughn Strickland, as natural parents of Andrew Strickland.

4. At all times material to this action, Plaintiff was a customer, invitee and pharmacy patient to Defendants; as such, Defendants owed a duty of reasonable professional care to in its pharmacy-related responsibilities.

5. At all times material to this action, Defendant Pace Pharmacy, LLC was a pharmacy open to the public and held itself out to Plaintiff and others as having the capacity and willingness to properly and appropriately fill medication prescriptions with the proper drugs and dosages.

6. At all times material to this action, Defendants Stephen Burklow and David Winkles were pharmacists duly licensed under Florida law, and were the agents, employees, apparent agents of Defendant Pace Pharmacy, LLC. They, along with Pace Pharmacy, LLC, were required to strictly comply with physician orders in the filling of prescriptions for patients of Defendant Pace Pharmacy, LLC. This duty extended to the prescriptions filled for Plaintiff's decedent.

7. At all times material to this action, Defendants Pace Pharmacy, LLC, Stephen Burklow, and David Winkles owed a duty to carry out their mandated responsibilities and legal duties pursuant to 21 CFR § 1306.04(a) relating to prescriptions presented for fill by their customers, including prescriptions presented for fill by Plaintiff's decedent, Andrew Strickland.

8. At all times material to this action, Defendants Pace Pharmacy, LLC, Stephen Burklow, and David Winkles had the responsibility, prior to filling prescriptions for their customers including Andrew Strickland, to review the patient record and each new and refill prescription presented for dispensing to promote therapeutic appropriateness by identifying:

(a) Over-utilization or under-utilization; (b) Therapeutic duplication; (c) Drug-disease contraindications; (d) Drug-drug interactions; (e) Incorrect drug dosage or duration of drug treatment; (f) Drug-allergy interactions; or (g) Clinical abuse/misuse.

9. At all times material to this action, Defendant Pace Pharmacy, LLC was owned and operated by Stephen Burklow and Monique Burklow, and they were actively engaged in the operations of Pace Pharmacy. At all times material to this action Pace Pharmacy, LLC and Stephen Burklow and Monique Burklow were the principal and employer of the pharmacist, office manager, and other staff who were providing services to the Plaintiff at the pharmacy located in Santa Rosa County, Florida.

10. Pace Pharmacy, LLC and Stephen Burklow and Monique Burklow are liable and legally accountable for the negligent acts and omissions of the pharmacist, office manager and other staff.

11. At all times material, Stephen Burklow and Monique Burklow and Pace Pharmacy, LLC supervised the pharmacy business. Accordingly, they owed a duty to assure that appropriate surveillance and safe dispensing practices were followed for medications dispensed through Pace Pharmacy, LLC. Their duties included, but are not limited to:

- a. Utilizing appropriate surveillance techniques to be aware that dangerous quantities of medications were being dispensed to Plaintiff and other customers;
- b. Identifying and implementing safe medication dispensing practices;
- c. Following industry standards and professional guidelines in the operation of the pharmacy;
- d. Complying with the applicable laws and regulations that govern the operation of a pharmacy and the dispensing of dangerous medications.

12. In January 2023, Andrew Strickland became a patient of Dr. Elaine Sharp for pain management care due to burn injuries he suffered in a bonfire accident. On or about February 3, 2023, Dr. Sharp began prescribing controlled substance pain medications to Andrew Strickland, including Morphine and Diazepam, two extremely potent medications.¹

13. Andrew Strickland took the prescriptions written by Dr. Sharp to Pace Pharmacy where he had an expectation that the prescriptions would be filled. Upon information and belief, patients were directed by or on behalf of Dr. Sharp to travel to Pace Pharmacy to have their prescriptions for controlled substances filled.

14. In early June 2023, Andrew Strickland filled four prescriptions at Pace Pharmacy, including:

6/1/2023 – Diazepam 2MG

6/1/2023 – Morphine 15MG Immediate Release

6/7/2023 – Diazepam 2MG

6/8/2023 – Morphine Sulfur 15MG

15. On Father's Day, June 18, 2023, ten days after the last prescription-fill date, Andrew Strickland was found unresponsive by family members, in his bedroom, at his family's home. 911 was called immediately, and once the EMT ambulance service arrived, the medical professionals pronounced Andrew Strickland dead on scene. The cause of death stated on the Certification of Death by the medical examiner states: "COMBINED TOXIC EFFECTS OF FENTANYL, MORPINE, BUPRENOPHINE, BROMAZOLAM, DIAZEPAM, AND GABAPENTIN." Andrew Strickland was forty-seven years old at his time of death.

¹ Morphine is an opioid and Diazepam is a benzodiazepine. Benzodiazepines are a central nervous system depressant. Taking opioids in combination with other central nervous system depressants like benzodiazepines increases the risk of life-threatening overdose because both

16. In December 2019, DEA Diversion and DEA traveled to several pharmacies in the Gulf Breeze area to gather intelligence on Dr. Sharp. Through interview of multiple pharmacists in the area, it was revealed that patients of Dr. Sharp were advised to travel to Pace Pharmacy to have their prescriptions for controlled substances filled and dispensed. Pace Pharmacy was the only known pharmacy in the greater Pensacola, FL area known to fill prescriptions written by Dr. Sharp for opioids at this time.

17. In October 2024, the Santa Rosa County Sheriff's Office arrested Dr. Sharp. Charging felony violations of, Charge #1, Murder, F.S.S. 783.04(3) to wit: 1st Degree Felony (2 counts), according to the Arrest Warrant. The facts establishing probable cause for the issuance of Dr. Sharps warrant stated, "Between March 2021 through June 2023" Florida Law Enforcement conducted a criminal in investigation into Dr. Sharp and found nine (9) offenses: Homicide, conspiracy to Commit Racketeering, Unlawfully Prescribing Controlled Substances for Monetary Gain, Unlawfully Prescribing Controlled Substance Not Medically Necessary, Conspiracy-Trafficking Oxycodone 100 grams or more, Conspiracy-Trafficking Hydromorphone 28 grams or more, Conspiracy-Trafficking Oxycodone 100 grams or more, and Money Laundering. Upon information and belief, pharmacies and pharmacists in the area of Santa Rosa County had become aware of the inappropriate prescribing habits of Dr. Sharp. Upon information and belief, some pharmacies were refusing to fill prescriptions written by Dr. Sharp based on the understanding that Dr. Sharp was writing inappropriate prescriptions for opioids beginning in 2017.

Opioids and their Effects

18. Opioids are a class of drugs that bind with opioid receptors in the brain and

drugs can cause sedation and suppress breathing

includes natural, synthetic, and semi-synthetic opioids. Natural opioids are derived from the opium poppy. Generally used to temporarily relieve pain, opioids block pain signals but do not treat the source of the pain. Opioids produce multiple effects on the human body, the most significant of which are analgesia, euphoria, and respiratory depression.

19. The medicinal properties of opioids have been recognized for millennia—as has their potential for abuse and addiction. Although heroin and opium became classified as illicit drugs, there is little difference between them and prescription opioids. Prescription opioids are synthesized from the same plant as heroin, have similar molecular structures, and bind to the same receptors in the human brain.

20. Due to concerns about their addictive properties, prescription opioids have been regulated at the federal level as Schedule II controlled substances since 1970.

21. Under the common law, Defendants had a duty to exercise reasonable care in delivering dangerous narcotic substances.

COUNT I – Negligence, Gross Negligence and Reckless Conduct of Pharmacist,

Stephen Allen Burklow

Plaintiff sues Defendant Stephen Burklow, re-alleges the allegations common to all counts, and further alleges:

22. Defendant Stephen Burklow acted negligently, recklessly and intentionally by violating the standard of care owed by pharmacists to pharmacy patients in Florida. Specifically, Defendant Burklow violated the applicable standard by filling opioid prescriptions without exercising his corresponding responsibility to ensure that the prescription were valid and written for a legitimate medical purpose and by failing to exercise sound professional judgment.

23. The failures by Defendant Stephen Burklow caused the inappropriate and

dangerous prescriptions for opioid and benzodiazepine written by Dr. Sharp to be filled and dispensed to Andrew Strickland by Pace Pharmacy. Andrew Strickland thereafter consumed the dangerous medications, resulting in his premature and wrongful death.

24. Defendant knew or should have known that the federal Drug Enforcement Agency (“DEA”) repeatedly emphasized that retail pharmacies and pharmacists, including Pace Pharmacy and Stephen Burklow, are required to implement systems that detect and prevent diversion of dangerous prescription drugs and must monitor for and report red flags of diversion. Further, when red flags appear, the pharmacy's “corresponding responsibility” under 21 C.F.R. § 1306.04(a) requires it either to take steps (and document those steps) to resolve the issues or else to refuse to fill prescriptions with unresolvable red flags.

25. DEA has identified examples of red flags that pharmacists must be aware of, to include:

- a. Prescriptions written by a doctor who writes significantly more prescriptions (or in larger quantities or higher doses) for controlled substances compared to other practitioners in the area;
- b. Prescriptions which should last for a month in legitimate use, but are being refilled on a shorter basis;
- c. Prescriptions for antagonistic drugs, such as depressants and stimulants, at the same time;
- d. Prescriptions of opioids and benzodiazepine or opioids, benzodiazepines, and muscle relaxers for overlapping days of supply;
- e. Prescriptions with quantities or doses that differ from usual medical usage;

26. Defendant failed to properly review and supervise any licensed interns and/or

pharmacy technicians.

27. Defendant improperly delegated his professional and personal responsibility for the completed prescriptions in this case.

28. Defendant acted negligently, recklessly and intentionally, as outlined above, by filling large quantities of controlled substances, including opioids and benzodiazepines without exercising his corresponding responsibility or exercising sound professional judgment in light of the numerous unresolved red flags presented by the prescriptions presented by Andrew Strickland that were written by Dr. Sharp.

29. Defendant did not maintain or share with its pharmacy staff information about suspicious health care providers.

30. Defendant violated the applicable standard of care owed by pharmacists in Florida.

As a direct and proximate result of Defendant's conduct, Andrew Strickland was caused to wrongfully and prematurely die, and his survivors and estate incurred damages, including pain and suffering and lost support and services by his Mother, and funeral and related expenses and lost net accumulations.

WHEREFORE, Plaintiff demands judgment against Defendant for damages and costs as well as for other damages which may be necessary or appropriate or which are sought later in this litigation pursuant to Florida law.

COUNT II – Negligence, Gross Negligence, and Reckless Conduct of Pharmacist, David

Barron Winkles

Plaintiff sues Defendant David Barron Winkles, re-alleges the allegations common to all counts, and states:

31. Defendant David Winkles violated the standard of care owed by pharmacists to pharmacy patients in Florida in the following by filling opioid prescriptions without exercising his corresponding responsibility to ensure that the prescription was valid and that it was written for a legitimate medical purpose and without exercising sound professional judgment. Such failure on behalf of Defendant led to opioid and benzodiazepine prescriptions written by Dr. Sharp inappropriately being filled for Andrew Strickland, and Andrew Strickland overdosed and died after taking the drugs dispensed by Defendant.

32. DEA has repeatedly emphasized that retail pharmacies, including Defendants, are required to implement systems that detect and prevent diversion and must monitor for and report red flags of diversion. When red flags appear, the pharmacy's "corresponding responsibility" under 21 C.F.R. § 1306.04(a) requires it either to take steps (and document those steps) to resolve the issues or else to refuse to fill prescriptions with unresolvable red flags.

33. DEA has identified examples of red flags that pharmacists must be aware of, to include:

- a. Prescriptions written by a doctor who writes significantly more prescriptions (or in larger quantities or higher doses) for controlled substances compared to other practitioners in the area;
- b. Prescriptions which should last for a month in legitimate use, but are being refilled on a shorter basis;
- c. Prescriptions for antagonistic drugs, such as depressants and stimulants, at the same time;
- d. Prescriptions of opioids and benzodiazepine or opioids, benzodiazepines, and muscle relaxers for overlapping days of supply;

e. Prescriptions with quantities or doses that differ from usual medical usage;

34. Defendant failed to properly review and supervise any licensed interns and/or pharmacy technicians.

35. Defendant improperly delegated his professional and personal responsibility for the completed prescriptions in this case.

36. Defendant acted recklessly and with gross negligence, as outlined above, by filling large quantities of controlled substances, including opioids and benzodiazepines without exercising his corresponding responsibility or exercising sound professional judgment in light of the numerous unresolved red flags presented by the prescriptions presented by Andrew Strickland that were written by Dr. Sharp.

37. Defendant did not maintain or share with its pharmacy staff information about suspicious health care providers.

38. Defendant violated the applicable standard of care owed by pharmacists in Florida.

As a direct and proximate result of Defendant's conduct, Andrew Strickland was caused to wrongfully and prematurely die, and his survivors and estate incurred damages, including pain and suffering and lost support and services by his Mother, and funeral and related expenses and lost net accumulations.

WHEREFORE, Plaintiff demands judgment against Defendant for damages and costs as well as for other damages which may be necessary or appropriate or which are sought later in this litigation pursuant to Florida law.

COUNT III – Negligence of Pace Pharmacy, LLC

Vicarious Liability for Actions of Pharmacy Staff

Plaintiff re-alleges the allegations common to all counts, sues Defendant Pace Pharmacy, LLC for the negligence of its agents, employees and apparent agents, and states:

39. Defendant Pace Pharmacy, LLC is legally responsible for the negligent actions of its staff, including its pharmacy staff and pharmacists.

40. Defendant Pace Pharmacy, LLC is liable for damages incurred by Plaintiff as a result of the negligent actions of its pharmacy staff and pharmacists Stephen Burklow and David Winkles.

As a direct and proximate result of Defendant's conduct, Andrew Strickland was caused to wrongfully and prematurely die, and his survivors and estate incurred damages, including pain and suffering and lost support and services by his Mother, and funeral and related expenses and lost net accumulations.

WHEREFORE, Plaintiff demands judgment against Defendant for damages and costs as well as for other damages which may be necessary or appropriate or which are sought later in this litigation pursuant to Florida law.

COUNT IV – Negligence of Pace Pharmacy, LLC

Plaintiff re-alleges the allegations common to all counts, sues Defendant Pace Pharmacy, LLC for its direct and individual negligence, and further alleges:

41. Defendant, as the operator of a pharmacy in Florida, in the exercise of reasonable care, is required to establish policies and procedures to assure that medication orders are properly filled or refused to be filled as appropriate. Defendant Pace Pharmacy, LLC is required to equip its pharmacists with the necessary tools to appropriately carry out their corresponding

responsibility to ensure that inappropriate prescriptions are not filled.

42. Defendant Pace Pharmacy, LLC acted negligently and carelessly in the operation of its pharmacy business, in its supervision of its agents and employees and apparent agents.

43. Defendant Pace Pharmacy, LLC failed to carry out its duties and obligations as a DEA registrant, including its corresponding responsibility to ensure that inappropriate prescriptions are not filled.

44. Defendant failed to have sufficient safeguards in place.

45. Defendant failed to properly equip its pharmacists with the necessary tools to allow the pharmacists to carry out their corresponding responsibility to ensure that inappropriate prescriptions are not filled by identifying and reacting to red flags.

46. Defendant failed to properly instruct and train its pharmacy staff.

47. Defendant failed to properly instruct and train its pharmacy staff to advise or consult with the Plaintiff as to the prescription contents.

As a direct and proximate result of Defendant's conduct, Andrew Strickland was caused to wrongfully and prematurely die, and his survivors and estate incurred damages, including pain and suffering and lost support and services by his Mother, and funeral and related expenses and lost net accumulations.

WHEREFORE, the Plaintiff demands judgment against the Defendant for damages, costs, and any other relief this court may deem appropriate. The Plaintiff further demand trial by jury as to all issues so triable as a matter of right.

DATED this 13th day of June, 2025.

/s/ Peter J. Mougey
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