

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT,  
IN AND FOR ORANGE COUNTY, FLORIDA

CASE NO:

MARIA DE LOS ANGELES ALPIZAR,

Plaintiff,

vs.

SEA WORLD OF FLORIDA LLC,

Defendant.

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**COMPLAINT FOR DAMAGES**

COMES NOW the Plaintiff, MARIA DE LOS ANGELES ALPIZAR, by and through her undersigned attorneys and sues the Defendant, SEA WORLD OF FLORIDA LLC, and alleges as follows:

1. This is an action for damages that exceeds Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorneys' fees.
2. At all times material hereto, Plaintiff, MARIA DE LOS ANGELES ALPIZAR (herein "ALPIZAR",) was and is a resident of Costa Rica.
3. At all times material to this action, Defendant, SEA WORLD OF FLORIDA LLC (herein, "SEA WORLD"), was a Florida Limited Liability Company, licensed to do business in the State of Florida.
4. At all times material hereto, Defendant, SEA WORLD, was the owner and operator of a certain business known as "Aquatica," a water park located at 5800 Water Play Way, Orlando, Orange County, Florida, said business being that of a water amusement park open to the general public, including the Plaintiff herein.

5. At all times material hereto and on or about May 11, 2015, Plaintiff, ALPIZAR, while vacationing in Florida, visited Aquatica and was riding the “Omaka Rocka” water slide.

6. At said time and place and at all times material hereto, Plaintiff, ALPIZAR, was a guest and/or business invitee at Aquatica, lawfully upon the premises of the Defendant, who owed Plaintiff, ALPIZAR, a duty to exercise reasonable care for her safety.

7. At said time and place and at all times material hereto, Defendant, SEA WORLD, breached its duty owed to Plaintiff, ALPIZAR, including but not limited to by committing one or more of the following acts or omissions:

- a) Negligently failing to supervise and/or instruct and/or educate the Plaintiff while she was in line and/or waiting at the top of the Omaka Rocka water slide before allowing her to slide down the waterslide;
- b) Negligently failing to supervise and/or instruct and/or educate the Plaintiff on how to safely and properly use the inner tube for the Omaka Rock waterslide;
- c) Negligently failing to properly inspect and/or maintain the inner tube used by the Plaintiff on the Omaka Rocka waterslide to ensure that it was not under and/or over-inflated;
- d) Negligently under-inflating and/or over-inflating the Plaintiff's subject inner tube that she was using to ride the Omaka Rocka;
- e) Negligently failing to reasonably inspect or discover dangerous condition(s) of protruding seams connecting each segment of the Omaka Rocka waterslide;

- f) Negligently designing and/or constructing the Omaka Rocka waterslide by allowing protruding seems of connecting waterslide segments to exist;
- g) Negligently designing and/or constructing the Omaka Rocka waterslide by allowing inner tubes to be used on said waterslide while the Defendant knew or should have known of the protruding joint segments on the waterslide;
- h) Negligently creating a dangerous and/or hazardous condition on the Omaka Rocka waterslide that the Defendant, by and through its employees, agents, apparent agents, servants, and/or representatives knew or should have known was dangerous;
- i) Negligently failing to inspect or maintain or discover the dangerous condition(s) of excessively strong water propulsion on the Omaka Rocka slide;
- j) Negligently constructing, designing, and/or maintaining the water propulsion on the Omaka Rocka waterslide;
- k) Negligently failing to train its employees to inspect or adequately inspect for underinflated/overinflated inner-tubes of riders of the Omaka Rocka slide;
- l) Negligently failing to adequately and reasonably warn the Plaintiff of the dangers of the Omaka Rocka waterslide;
- m) Negligently and carelessly failing to properly instruct and/or educate the Plaintiff, either verbally or by posted signage, in English or Spanish, of the safe way to ride the subject Omaka Rocka waterslide;

- n) Negligently failing to warn the Plaintiff of the danger of an under-inflated/over-inflated inner tube, when Defendant knew or through the exercise of reasonable care should have known that said dangerous condition existed and that Plaintiff was unaware of same;
- o) Failing to reasonably and adequately train and supervise its staff working the Omaka Rocka waterslide;
- p) Failing to reasonably and adequately hire sufficient number of staff to safely and adequately operate the Omaka Rocka waterslide;
- q) Failing to reasonably and adequately hire sufficient number of staff to safely and completely instruct riders on the safe and proper use, and potential dangers of the Omaka Rocka waterslide; and
- r) Any other such negligence that is learned from discovery.

8. As a direct and proximate result of the Defendant's breaches of the aforementioned duties, Plaintiff, ALPIZAR, (who is a Spanish speaker), was severely injured while riding down the Omaka Rocka waterslide when her bottom and/or inner tube hit a protruding joint on the slide causing her head and neck to be violently whipped back and further causing her head to violently strike the slide itself.

9. As a direct and proximate result of the Defendant, SEA WORLD'S negligence described above, Plaintiff, ALPIZAR, suffered serious bodily injury in and about her body and extremities, resulting in pain and suffering, disability, disfigurement, permanent and significant scarring, mental anguish, loss of the capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of

earnings, loss of the ability to earn money, and/or aggravation of previously existing condition. These losses are either permanent or continuing and Plaintiff, ALPIZAR, will suffer said losses in the future.


WHEREFORE, the Plaintiff, MARIA DE LOS ANGELES ALPIZAR, sues the Defendant, SEA WORLD OF FLORIDA LLC, for damages and demands judgment in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest and costs,

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 18 day of September, 2015

GREENSPOON, MARDER, P.A.  
Attorneys for the Plaintiff  
200 East Broward Blvd.  
Suite 1800  
Fort Lauderdale, FL 33301  
Phone: (954) 491-1120  
Fax: (954) 343-6254  
Email: [Brad.Ross@gmlaw.com](mailto:Brad.Ross@gmlaw.com)

By:   
MARC E. SCHWARTZ, ESQ.  
Florida Bar No. 005071  
BRADLEY A. ROSS, ESQ.  
Florida Bar No. 0640069