

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

NICOLA KROIN,

Plaintiff,

vs.

UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD,

Defendant.

CASE NO.:

DIVISION:

COMPLAINT

Plaintiff, NICOLA KROIN, by counsel, serves her Complaint, and alleges:

1. This is an action for damages that are in excess of fifteen thousand dollars (\$15,000.00), exclusive of interest and costs.

2. Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD, (“Universal”), is a foreign corporation licensed, authorized to and conducting business in Orange County, Florida.

3. On or about April 18, 2014, Universal was in exclusive possession and control of the premises located at 6000 Universal Boulevard, Orlando, Orange County, Florida (hereafter “the Premises”).

4. On or about April 18, 2014, Universal operated a theme park at the Premises.

5. On or about April 18, 2014, Universal exclusively managed, maintained and controlled the Premises.

6. On or about April 18, 2014, Plaintiff was lawfully on the Premises as a business invitee.

7. On or about April 18, 2014, as Plaintiff was walking in an ordinary, customary and foreseeable manner at the Premises, she slipped and fell on a wet metal medallion built into the cement guest walkway at Universal's Marvel Super Hero Island.

8. At the time and place of her fall, multiple Universal employees were in the immediate vicinity of the condition; yet none of them, gave any warning or took any corrective action with regard to the condition.

9. At all times material hereto, Universal had a duty to reasonably maintain the walkways located at the Premises for business invitees, including Plaintiff.

10. Universal breached its duty to Plaintiff by failing to inspect the area where the accident occurred to ensure that it was in a reasonably safe condition for its intended and foreseeable uses, to wit, walking, and free from all defects and conditions that would render it dangerous and unsafe for Plaintiff, or present an unreasonable risk of harm to her in her lawful use of the premises.

11. Universal also breached its duty to Plaintiff by failing to adequately warn her that the area in which the accident occurred was in a dangerous or unreasonably safe condition and posed a danger for harm during ordinary use, to wit, walking.

12. Alternatively, if Plaintiff's fall was solely caused by a transitory substance, pursuant to Section 768.0755, *Florida Statutes*, Defendant had constructive knowledge of the dangerous condition and should have taken action to remedy it because:

(a) The dangerous condition existed for such a length of time that, in the exercise of ordinary care, Defendant should have known of the condition; or

(b) The condition occurred with regularity and was therefore foreseeable.

13. As a legal, direct and proximate cause of Universal's breach of its duties, Plaintiff was injured and has suffered damages.

WHEREFORE, Plaintiff, NICOLA KROIN, demands judgment against Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD, for damages, interest, costs and for such other and further relief as this Court deems necessary and proper.

DEMAND FOR JURY TRIAL

Plaintiff, NICOLA KROIN, demands a trial by jury on all issues so triable.

Dated: November 3, 2015

/s/ Daniel P. Osterndorf

DANIEL P. OSTERNDORF

Florida Bar Number: 0119751

JONATHAN SANCLEMENTE

Florida Bar Number: 0113397

PARDY & RODRIGUEZ, P.A.

Post Office Box 3747

Orlando, Florida 32802-3747

Telephone: 407-481-0066

Facsimile: 407-481-7939

dosterndorf@pardyrodriguezlaw.com

xmorales@pardyrodriguezlaw.com

Attorneys for the Plaintiff