

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

CASE NO:

KAREN SUE ESPEY,
Plaintiff,

vs.

UNIVERSAL CITY DEVELOPMENT
PARTNERS, LTD., a Florida limited
partnership, d/b/a Universal Studios Florida,
Defendant.

_____ /

COMPLAINT

COMES NOW Plaintiff, KAREN SUE ESPEY, by and through her undersigned counsel, and sues Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD., a Florida limited partnership, d/b/a Universal Studios Florida, and states as follows:

1. This is an action for damages that exceed Fifteen Thousand Dollars (\$15,000.00), exclusive of costs and attorneys' fees, and is within the jurisdictional limits of this Court.

2. That at all times material to this cause of action, Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD., a Florida limited partnership, d/b/a Universal Studios Florida, (hereinafter referred to as "UNIVERSAL STUDIOS") was at all times material hereto a Florida limited partnership, doing business in Florida and exercising authority at 6000 Universal Boulevard, Orlando, Orange County, Florida.

3. Plaintiff, KAREN SUE ESPEY, is a resident of St. Johns County, Florida, who is over the age of 18 and is sui juris in all respects.

4. That at all times material to this cause of action, Defendant, UNIVERSAL STUDIOS, acting by and through its agents, servants, and/or employees, were the owners of and

did operate, manage, and control the premises and theme park located at 6000 University Boulevard, Orlando, Orange County, Florida.

5. That on or about July 30, 2014, Plaintiff, KAREN SUE ESPEY, was a business invitee of Defendant, UNIVERSAL STUDIOS, at its theme park located at 6000 University Boulevard, Orlando, Orange County, Florida.

6. While on Defendant's, UNIVERSAL STUDIOS, premises, Defendant, owed a non-delegable duty to Plaintiff to provide reasonable care for the safety of Plaintiff, KAREN SUE ESPEY, to maintain the premises in a reasonably safe condition, to warn of any dangerous conditions which it knew of or should have known of and to provide safe ingress and egress for patrons walking in the theme park.

7. At the time and place, the sidewalk by the guest service area was recently washed by an employee of Universal Studios. No warning or caution signs were placed around the area so as to alert pedestrians of the slippery condition of the sidewalk.

8. At that time and place, Plaintiff, KAREN SUE ESPEY, was being escorted by a guest services representative to one of the rides when she slipped and fell on the sidewalk by the guest service area and sustained injuries

COUNT I
NEGLIGENCE OF DEFENDANT, UNIVERSAL STUDIOS

9. Plaintiff, KAREN SUE ESPEY, hereby readopts, realleges and incorporates the allegations set forth in paragraphs one (1) through eight (8) of the Complaint as if fully set forth herein.

10. On or about July 30, 2014, Plaintiff, KAREN SUE ESPEY, was a business invitee on the premises owned by Defendant, UNIVERSAL STUDIOS.

11. At the time Plaintiff, KAREN SUE ESPEY, was on Defendant's, UNIVERSAL STUDIOS, premises, a dangerous condition existed on said premises. This dangerous condition consisted of a slippery sidewalk by the guest service area on Defendant's, UNIVERSAL STUDIOS, premises at 6000 University Boulevard, Orlando, Orange County, Florida

12. Defendant, UNIVERSAL STUDIOS, owed a legal and/or non-delegable duty to Plaintiff to exercise reasonable care for her safety while she was a business invitee at UNIVERSAL STUDIOS, and provide safe premises for her while she was a guest at the theme park.

13. Defendant, UNIVERSAL STUDIOS, breached the duty owed to Plaintiff, KAREN SUE ESPEY, as a business invitee, by committing one or more of the following acts or omissions:

- a. Negligently failing to maintain or adequately maintain the area in and around the theme park, by allowing the dangerous condition to exist at the time Plaintiff, KAREN SUE ESPEY, was in the area;
- b. Negligently failing to inspect or adequately inspect the area in and around the theme park, to determine whether the dangerous condition existed at the time Plaintiff, KAREN SUE ESPEY, was in the area;
- c. Negligently failing to warn or adequately warn Plaintiff, KAREN SUE ESPEY, of the dangerous condition when Defendant, UNIVERSAL STUDIOS,, knew or should have known of its existence and when Plaintiff, KAREN SUE ESPEY, was unaware of said dangerous condition;
- d. Negligently failing to correct, or adequately correct the dangerous condition when Defendant, UNIVERSAL STUDIOS, knew or should have known of its existence;
- e. Negligently failing to have adequate staff on duty and/or assigned to the task of inspecting the premises for dangerous condition;
- f. Negligently creating a dangerous condition by washing a sidewalk when customers were visiting the park;

- g. Negligently failing to train and/or inadequately training its employees to inspect the premises for dangerous condition, and/or to not wash sidewalks while customers are present;
- h. Negligently failing to follow its own corporate policy regarding the inspection and/or maintenance of the premises;
- i. Negligently failing to take actions to reduce, minimize, or eliminate foreseeable risks before they manifested themselves as particular dangerous conditions on the premises; and
- j. Negligently failing to act reasonably under the circumstances.

14. As a direct and proximate result of Defendant's, UNIVERSAL STUDIOS, negligence, Plaintiff, KAREN SUE ESPEY, slipped and fell on Defendant's premises, causing Plaintiff to sustain the injuries and damages as hereinafter alleged.

15. The specific manner in which Plaintiff, KAREN SUE ESPEY, was injured was foreseeable to Defendant, UNIVERSAL STUDIOS, and Defendant knew or should have known of the specific risks of harm to Plaintiff as a result of Defendant's negligence.

16. As a direct and proximate result of the foregoing negligence, Plaintiff, KAREN SUE ESPEY, suffered bodily injury and resulting pain and suffering, impairment, disability, inconvenience, aggravation of physical disease or defect, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money. The injuries to Plaintiff are permanent within a reasonable degree of medical probability and Plaintiff will continue to suffer the losses in the future.

WHEREFORE, Plaintiff, KAREN SUE ESPEY, demands judgment for damages against Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD., a Florida limited

partnership, d/b/a Universal Studios Florida, together with costs, interest and other such relief deemed just and proper by the Court and demands trial by jury on all issues so triable.

DEMAND FOR JURY TRIAL

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

Dated this 29th day of October, 2015.

/s/ Zachary Leacox

Zachary A. Leacox, Esquire
Florida Bar No.: 0548571
zacharyefiling@williammcbride.com
McBride, Scicchitano & Leacox, P.A.
800 N. Magnolia Avenue, Suite 1800
Orlando, FL 32803
Telephone (407) 650-1700
Facsimile (407) 849-0448
Attorneys for Plaintiff