

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

ANDREW KENNEDY,

CASE NO.:

Plaintiff,

vs.

UNIVERSAL CITY DEVELOPMENT  
PARTNERS, LTD,

Defendant.

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**COMPLAINT**

Plaintiff, ANDREW KENNEDY, by and through the undersigned attorney, hereby sues Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD, and states:

1. This is a negligence action for damages that exceed \$15,000.00, exclusive of pre-judgment interest, costs and attorney's fees.

2. Plaintiff, ANDREW KENNEDY, is a resident of Allen County, Indiana and is *sui juris*.

3. Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD, (hereinafter "Universal") is a foreign corporation doing business in the City of Orlando, Orange County, Florida, and is *sui juris*.

4. That on or about July 29, 2014, Defendant, UNIVERSAL, owned and operated Universal Citywalk at 6000 Universal Blvd, Orlando, FL 32819, which was open to the public and held out to be operated in a safe manner.

**COUNT I**

**NEGLIGENCE OF UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD.**

Plaintiff, ANDREW KENNEDY, realleges paragraphs 1 – 4 as though fully set forth herein and further alleges:

5. Universal Citywalk is operated as a place of public amusement.

6. On July 29, 2014, Plaintiff was an invitee of Defendant while at Universal Citywalk.

7. On or about July 29, 2014, while Plaintiff was at Universal Citywalk, an expansion joint in the staircase caused him to trip, Plaintiff fell down the full flight of stairs. The multi-flight staircase led from the cinema to the ground level public restrooms.

8. Plaintiff sustained injuries as a direct and proximate result of the Defendant's negligence and/or the negligence of the Defendant's employees, agents and/or servants.

9. Defendant, UNIVERSAL, as owner and operator of the subject premises, had a duty to the public and specifically to the Plaintiff to operate and maintain the subject premises in a reasonably safe condition commensurate with the business conducted, a duty to train its employees in safety procedures, and a duty to safely maintain the premises, along with a duty warn of hidden dangers. Defendant, UNIVERSAL, breached this duty of reasonable care owed to Plaintiff by carelessly and negligently:

- a. Failing to provide and train its employees and/or other contractual services to maintain all public thoroughfares by vigilant patrol so as to prevent falls and other injuries on the premises, when it know or should have known of the propensity for, and dangerous aspects of, substances, including expansion joint design, from falling onto the floors; and/or
- b. Failing to have policies and procedures in place so that prompt and adequate actions could be taken when the floors were compromised by dangerous substances; and/or
- c. Failing to supervise its employees in implementing its policies and procedures; and/or

- d. Failing to follow its own policies and procedures; and/or
- e. Failing to have in place an adequate reporting system in the event of dangerous floor conditions so that they could be quickly remedied and/or warnings placed; and/or;
- f. Failing to have in place safety mats in the area where it was likely that dangerous substances could exist on the floor.
- g. Failing to regularly inspect and repair the stairs and expansion joints.
- h. Failing to provide adequate lighting.
- i. Failing to provide adequate stair rails.

10. That as a direct and proximate result of the negligence of the Defendant, UNIVERSAL, described in the preceding paragraphs, Plaintiff, ANDREW KENNEDY, suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expenses of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing in nature and Plaintiff will suffer the losses in the future.

11. Plaintiff, ANDREW KENNEDY, demands a jury trial on all issues so triable.

**WHEREFORE**, Plaintiff, ANDREW KENNEDY, demands judgment for compensatory damages and costs against Defendant, UNIVERSAL, and such other and further relief as the court may deem just and proper under the circumstances and furthermore demands trial by jury on all issues so triable.

Dated this 15<sup>th</sup> day of September, 2015.

/s/ JAMES G. VICKARYOUS

**JAMES G. VICKARYOUS, ESQ.**

Florida Bar No.: 0986933

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