

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

CASE NO:

RAYMOND H. WESTON, JR.,

Plaintiff,

v.

WALT DISNEY PARKS AND RESORTS
U.S., INC.,

Defendant.

_____ /

COMPLAINT

COMES NOW the Plaintiff, RAYMOND H. WESTON, JR., by and through his undersigned attorney and sues the Defendant, WALT DISNEY PARKS AND RESORTS U.S., INC., 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 to this action, Defendant, WALT DISNEY PARKS AND RESORTS U.S., INC. is a Florida corporation authorized to do and doing business in Orange County, Florida.

3. At all times material hereto, Defendant was the owner and in possession of that certain business known as Pop Century Resort, located at 1050 Century Drive, Lake Buena Vista, Orange County, Florida, said business being that of a resort, open to the general public, including the Plaintiff herein.

4. On or about November 6, 2011, Plaintiff, RAYMOND H. WESTON, JR., was a guest at the premises of Defendant, WALT DISNEY PARKS AND RESORTS U.S., INC., more

specifically the Pop Century Resort, and was lawfully upon said premises of the Defendant, who owed Plaintiff a duty to exercise reasonable care for his safety.

5. While Plaintiff was visiting Defendant's business, Plaintiff slipped and fell while attempting to get into his vehicle due to the paint on the sidewalk and curb being slippery causing Plaintiff to sustaining bodily injuries.

6. At said time and place, Defendant breached its duty owed to Plaintiff by committing one or more of the following omissions or commissions:

- a) Negligently failing to maintain or adequately maintain the sidewalk/curb, thus creating a hazard to the members of the public utilizing said premises, including the Plaintiff herein, thus creating an unreasonably dangerous condition for Plaintiff;
- b) Negligently failing to inspect or adequately inspect the sidewalk/curb, as specified above, to ascertain whether the sidewalk/curb constituted a hazard to patrons utilizing said premises, including the Plaintiff herein, thus creating an unreasonably dangerous condition to the Plaintiff;
- c) Negligently failing to inspect or adequately warn the Plaintiff of the danger of the premises' sidewalk/curb, when Defendant knew or through the exercise of reasonable care should have known that said premises' sidewalk/curb was unreasonably dangerous and that Plaintiff was unaware of same;
- d) Negligently failing to correct and/or maintain and/ repair and/or adequately correct and/or replace the unreasonably dangerous condition of the sidewalk/curb on Defendant's premises, when said condition was either known to Defendant or had existed for a sufficient length of time such that Defendant should have known of same had Defendant exercised reasonable care;
- e) Negligently failing to have adequate staff on duty and/or assigned to the task of inspecting the premises' sidewalk/curb for dangerous conditions;
- f) Negligently failing to train and/or inadequately training its employees to inspect the premises' sidewalk/curb for dangerous conditions;
- g) Negligently failing to follow its own corporate policy(ies) regarding the dangerous condition and/or for failing to have adequate policies in place;

- h) Negligently failing to act reasonably under the circumstances;
- i) Negligently engaging in a mode of operations when Defendant knew, or should have known, that said mode of operations would result in dangerous conditions to the general public, including the Plaintiff herein; and
- j) Negligently failing to render aid to the Plaintiff after his fall from the sidewalk/curb and/or negligently rendering aid to the Plaintiff after his fall from the sidewalk/curb.

7. As a direct and proximate result of the negligence of Defendant, Plaintiff suffered bodily injury in and about his 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 earning, loss of the ability to earn money, and aggravation of previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, the Plaintiff, RAYMOND H. WESTON, JR., sues the Defendant, WALT DISNEY PARKS AND RESORTS U.S., INC., for damages and demands judgment in excess of Fifteen Thousand Dollars (\$15,000.00), plus interest and costs, and demands trial by jury of all issues so triable.

RESPECTFULLY submitted this 15th day of January, 2015.

/S/ CHRISTOPHER J. KONICEK
CHRISTOPHER J. KONICEK, ESQUIRE
Bar No: 94640
Todd K. Miner, P.A.
915 Outer Road, Ste. 100
Orlando, FL 32814
Telephone: (407) 894-1480
Facsimile: (407) 894-1483
Attorneys for Plaintiff
PRIMARY E-MAIL ADDRESS:
efiling@todddminerlaw.com