

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

CASE NO:

GERIANN IRWIN CLEM and
RICHARD CLEM, her husband,

Plaintiffs,

v.

UNIVERSAL CITY DEVELOPMENT
PARTNERS, LTD.,

Defendant.

COMPLAINT

The Plaintiffs, GERIANN IRWIN CLEM and RICHARD CLEM, by and through their undersigned counsel, sue the Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD. (hereinafter referred to as "Defendant"), and state the following basis for this lawsuit:

1. This is an action for personal injuries and damages in excess of Fifty Thousand (\$50,000.00) Dollars.
2. At all times material hereto, Plaintiffs, GERIANN IRWIN CLEM and RICHARD CLEM, were and are residents of Broward County, Florida, lawfully married, and are sui juris.
3. At all times material hereto, Defendant, UNIVERSAL, was and is a Florida Limited Partnership authorized to do business, and, in fact, doing business, in Orange County, Florida.

4. At all times material hereto, Defendant, UNIVERSAL, was the owner, lessor, and/or manager of a certain premises located at 1000 Universal Studios Plaza, Orlando, Florida 32819, which is Defendant's Orlando theme park.

5. On February 11, 2023, Plaintiff, GERIANN IRWIN CLEM, was lawfully at Defendant's theme park as a business invitee.

6. At all times material hereto, Plaintiff, GERIANN IRWIN CLEM, had a reasonable expectation that Defendant's premises and attractions were reasonably safe.

7. While at Defendant's theme park, Plaintiff, GERIANN IRWIN CLEM, rode Defendant's Hollywood Rip Ride Rockit Roller Coaster.

8. Defendant's Hollywood Rip Ride Rockit Roller Coaster travels at a top speed of 65 miles per hour and reaches heights of 167 feet. The Roller Coaster twists, turns, drops, and flips without providing its riders with any head restraints.

9. While riding Defendant's Roller Coaster, Plaintiff, GERIANN IRWIN CLEM's head shook violently and slammed into her seat's headrest throughout the duration of the ride.

10. As a direct and proximate result of Defendant's Hollywood Rip Ride Rockit Roller Coaster causing Plaintiff, GERIANN IRWIN CLEM's head to shake violently and slam into her seat's headrest, Plaintiff, GERIANN IRWIN CLEM sustained permanent injuries as more particularly set forth below.

COUNT I – NEGLIGENCE

Plaintiff, GERIANN IRWIN CLEM, restates and realleges Paragraphs 1-10 as if fully set forth herein, and further states:

11. At all times material hereto, Defendant owed a duty of care to Plaintiff, GERIANN IRWIN CLEM, to maintain its premises and operate all its attractions and rides in a reasonably safe manner.

12. At all times material hereto, the Hollywood Rip Ride Rockit Roller Coaster was under the control and management of Defendant.

13. At all times material hereto, it was the duty of Defendant to maintain, operate, and control the Hollywood Rip Ride Rockit Roller Coaster in a reasonably safe condition for use by the public, including Plaintiff, GERIANN IRWIN CLEM.

14. At all times material hereto, Defendant had a duty to adequately warn the public, including Plaintiff, GERIANN IRWIN CLEM, of unsafe and unreasonably dangerous conditions of which it knew or, in the exercise of reasonable care, should have known about.

15. Defendant negligently operated, maintained, and controlled the Hollywood Rip Ride Rockit Roller Coaster so as to cause Plaintiff, GERIANN IRWIN CLEM's head to shake violently and slam against her seat's headrest.

16. Defendant breached its duty of care to Plaintiff, GERIANN IRWIN CLEM, by committing one or more of the following acts or omissions:

- a. Defendant failed to properly restrain Plaintiff GERIANN IRWIN CLEM's head;
- b. Defendant failed to inspect and/or maintain the Hollywood Rip Ride Rockit Roller Coaster in a reasonably safe condition;
- c. Defendant failed to correct an unreasonably dangerous condition which existed on the Hollywood Rip Ride Rockit Roller Coaster;

- d. Defendant failed to adequately warn Plaintiff, GERIANN IRWIN CLEM, of the unsafe and unreasonably dangerous condition of which it knew or in the exercise of reasonable care should have known about the Hollywood Rip Ride Rockit Roller Coaster;
- e. Defendant's warning signs posted outside the Hollywood Rip Ride Rockit Roller Coaster were inadequate;
- f. Defendant negligently failed to warn Plaintiff, GERIANN IRWIN CLEM, her head would be shaken and slammed against the headrest of her seat while riding the Hollywood Rip Ride Rockit Roller Coaster; and
- g. Defendant failed to provide proper safety precautions.

17. As a direct and proximate result of Defendant's aforementioned negligence, Plaintiff, GERIANN IRWIN CLEM, suffered severe and permanent personal injuries and damages including, but not limited to, a traumatic brain injury, pain and suffering, disability, physical impairment, mental anguish, inconvenience, loss of capacity for the enjoyment of life in the past, loss of capacity for the enjoyment of life in the future; medical, nursing, and rehabilitation expenses in the past, medical nursing, and rehabilitation expenses in the future, lost wages in the past, and the capacity to earn money in the future.

WHEREFORE, Plaintiff, GERIANN IRWIN CLEM, demands judgment for damages against the Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD., together with post-judgment interest and costs and demands trial by jury of all issues so triable as a matter of right by jury.

COUNT II – LOSS OF CONSORTIUM

Plaintiff, RICHARD CLEM, restates and realleges Paragraphs 1-19 as if fully set forth herein, and further states:

18. As a direct and proximate result of Defendant's negligence, Plaintiff, RICHARD CLEM, has suffered, and will continue to suffer, the loss of his spouse's services, support, consortium, and the care and comfort of her society.

WHEREFORE, Plaintiff, RICHARD CLEM, demands judgment for damages against the Defendant, UNIVERSAL CITY DEVELOPMENT PARTNERS, LTD., together with post-judgment interest and costs and demands trial by jury of all issues so triable as a matter of right by jury.

Dated this 28th day of February, 2024.

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