

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

Case No.:

MELISSA VELAZQUEZ,

Plaintiff,

v.

SEA WORLD PARKS AND ENTERTAINMENT,  
INC.,

Defendant.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, MELISSA VELAZQUEZ (“Plaintiff”), sues Defendant, SEA WORLD PARKS AND ENTERTAINMENT, INC. (“Defendant”), and alleges, as follows:

1. This is an action for damages, which exceed the sum of Fifty Thousand Dollars (\$50,000.00), exclusive of costs, interest, and attorneys’ fees (the estimated value of Plaintiff’s claim is in excess of the minimum jurisdictional threshold required by this Court). Accordingly, Plaintiff has entered “\$50,001” in the civil cover sheet for the “estimated amount of the claim” as required in the preamble to the civil cover sheet for jurisdictional purposes only (the Florida Supreme Court has ordered that the estimated “amount of claim” be set forth in the civil cover sheet for data collection and clerical purposes only). The actual value of Plaintiff’s claim will be determined by a fair and just jury in accordance with Article 1, Section 21, Fla. Const.

2. At all times material hereto, Plaintiff was a natural person residing in Vero Beach, Indian River County, Florida.

3. At all times material hereto, Defendant was a Foreign Profit Corporation authorized to and doing business in Orange County, Florida.

4. At all times material hereto, Defendant was the owner and in possession of a certain business known as “Aquatica,” located at 5800 Water Play Way, Orlando, Orange County, FL 32821, said business being that of a water park, open to the general public, including Plaintiff herein.

5. On or about June 25, 2023, Plaintiff was a business invitee of Defendant and visited Defendant’s premises located at the above-address.

6. At said time and place, Plaintiff was lawfully upon Defendant’s premises.

7. At said time and place, Plaintiff went down the blue water slide on Defendant’s premises, in an area named “Walkabout Waters” (“subject water slide”).

8. At said time and place, there was no employee and/or lifeguard on duty at the subject water slide.

9. At said time and place, as Plaintiff went down the subject water slide and before she could get up to exit the water slide, another adult guest went down the subject water slide, violently colliding into Plaintiff, causing severe and permanent injuries to Plaintiff.

10. Venue is proper in Orange County, Florida because the alleged incident occurred in Orange County.

**COUNT I – NEGLIGENCE AGAINST DEFENDANT, SEA WORLD PARKS AND ENTERTAINMENT, INC.**

Plaintiff reasserts and re-alleges Paragraphs 1 through 10, as if fully set forth herein.

11. At all times material hereto, Defendant owned, operated, controlled, maintained, was the lessor of, managed, and/or supervised, the subject premises and water park, including the rides and water slides therein located at 5800 Water Play Way, Orlando, Orange County, FL 32821.

12. At all times material, Defendant owed Plaintiff a duty to use reasonable care in maintaining its premises in a reasonably safe condition, including but not limited to properly staffing and supervising its water slides.

13. At all times material, Defendant owed a duty to its customers, including Plaintiff, to properly train, supervise, and manage its employees and agents how to safely operate the subject water slide.

14. Defendant breached its duties to Plaintiff by committing one or more of the following acts and/or omissions:

- a. Negligently allowing an unreasonably dangerous and defective condition to be created and/or to remain on its premises;
- b. Negligently failing to provide lifeguards, rescue personnel, or pool attendants, or a sufficient number of lifeguards, rescue personnel, or pool attendants, adequately trained to supervise and monitor the activities of the subject water slide;
- c. Negligently failing to warn and/or to adequately warn Plaintiff of the dangerous conditions;
- d. Negligently failing to properly hire, train and supervise sufficient numbers of staff capable of competently supervising and attending patrons in and around the area of the subject water slide;
- e. Negligently failing to formulate and implement adequate and proper policies and procedures for the safe operation of the subject water slide;
- f. Negligently failing to properly hire, train, and supervise staff capable of competently supervising the subject water slide and surrounding areas;
- g. Negligently failing to properly hire, train, and supervise staff capable of assisting in emergencies;
- h. Negligently failing to have a sufficient number of staff capable of assisting in emergencies;
- i. Negligently undertaking to operate a pool and water slides with “attendants” supervising children in a water park and failing to do so in a reasonably safe and prudent manner;
- j. Negligently failing to have a routine practice or policy of monitoring or inspecting the subject water slide and surrounding areas; and

- k. Negligently failing to take appropriate remedial action and failing to implement better safety measures after prior substantially similar incidents involving minor children drowning in the exact same pool.

15. The above-described dangerous conditions existed for a sufficient period of time such that a reasonable person, including the Defendant, knew or should have discovered and corrected or warned of risks and hazards and dangerous conditions.

16. At all times material hereto, Defendant breached the above-listed duties of reasonable care to Plaintiff.

17. At all times material hereto, Defendant knew or reasonably should have known that by breaching any one of the duties as outlined above, they would greatly endanger the safety of the public, including Plaintiff.

18. As a direct and proximate result of Defendant's negligence, Plaintiff suffered bodily injury, including permanent injury to the body as a whole, pain and suffering of both a physical and mental nature, disability, physical impairment, permanent scarring/disfigurement, mental anguish, aggravation of a pre-existing condition, inconvenience, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of ability to earn money, and loss of ability to lead and enjoy a normal life. The losses are either permanent or continuing, and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, MELISSA VELAZQUEZ, demands judgment against Defendant, SEA WORLD PARKS AND ENTERTAINMENT, INC., for damages, costs of this action, interest, and such other and further relief this Court deems just and proper, and demands a trial by jury on all issues so triable.

**TRIAL BY JURY**

Plaintiff respectfully demands trial by jury of all issues and counts so triable herein.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of June, 2024.

/s/ Nicholas J. Spetsas, Esq.  
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