

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

CASE NO:

CIVIL DIVISION

**LAURA REYES-MERINO,
Plaintiff,**

vs.

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

Complaint

Under Florida Rules of Civil Procedure 1.110, Plaintiff sues Defendant as follows:

Jurisdiction, Venue, Parties

1. This is an action for damages that exceeds the sum of \$50,000.00, exclusive of costs, interest and attorneys' fees.
2. At all times material to this action, Plaintiff, is a natural person residing in Orange County, Florida.
3. At all times material to this action, Defendant, was a Florida corporation authorized to perform business in Orange County Florida, and **in control** of that certain water park ride called Humunga Kowabunga located at Disney's Typhoon Lagoon at 1145 Buena Vista Drive, Orlando, Orange County, FL 32830.

Incident

4. On May 11, 2024, Plaintiff visiting Defendant's theme park as a business invitee. Plaintiff went tubing on the Humunga Kowabunga ride but at some point went unconscious after banging inside the ride. Plaintiff's fiancé and his mother discovered Plaintiff's limp body at the end of the ride and frantically asked the attendants to help. The attendants told Plaintiff's fiancé

and mother that they were not lifeguards and would have to find lifeguards to help. As they were all waiting for help, blood kept coming out of Plaintiff's mouth in the water. Plaintiff's fiancé pulled Plaintiff out of the water and they had to wait for the Defendant's ride attendants to get a lifeguard. Eventually a lifeguard came and said they couldn't help or touch Plaintiff either and called an ambulance. Had Defendant had lifeguards at the end of the ride to watch and help guests coming off the ride, Plaintiff's brain injury would not have occurred as she wouldn't have been drowning in the water coughing up blood.

Count 1- Premises Liability against Defendant

Plaintiff realleges and incorporates herein by reference paragraphs 1 through 4 above and further states:

5. At said time and place, Plaintiff was lawfully upon Defendant's premises as an employee.

6. Defendant owed Plaintiff a non-delegable duty to (1) maintain the premises in a reasonably safe condition; and (2) warn of any dangerous conditions about which it knew or should have known about. *See Florida Dept. of Natural Resources v. Garcia*, 753 So. 2d 72 (Fla. 2000).

7. Defendant, breached its non-delegable duty owed to Plaintiff by (1) negligently failing to maintain the premises in a reasonably safe condition by negligently failing to correct a dangerous condition about which the defendant either knew or should have known, by the use of reasonable care, and (2) negligently failing to warn the plaintiff of a dangerous condition about which the defendant had, or should have had knowledge greater than that of the plaintiff. *See Fla. Std. Jury Instr. (Civ.) 401.20(a)*. Had Defendant notified Plaintiff and her group that there were no lifeguards at the end of water park rides, they never would have even went on the rides.

8. As a direct and proximate result of Defendant's negligence, Plaintiff suffered:

- a) Bodily and terminal injury including a permanent injury to her body as a whole.
- b) Pain and suffering of both a physical and mental nature.
- c) Disability, physical impairment, disfigurement, mental anguish, inconvenience.
- d) Loss of capacity for the enjoyment of life.
- e) Aggravation of an existing condition.
- f) Expense of hospitalization, medical and nursing care and treatment.
- g) Past lost wages, loss of earning power, diminished earning capacity.
- h) Loss of ability to lead and enjoy a normal life.
- i) Losses are permanent or continuing and Plaintiff will suffer in the future.

Wherefore Plaintiff demands judgment for damages against Defendant and trial by jury.

Certificate of Service

In accordance with Fla. R. Gen. Prac. & Jud. Admin. 2.516(b)(1) and § 48.031(1)(a), Fla. Stat., we certify that a true copy of the foregoing has been filed via the Florida Courts E-Filing Portal today, which will send a Notice of Electronic Filing to all parties of record listed and will be furnished by Hand Delivery by an approved process server.

/s/ Richard Russo

Richard Russo, Esquire

FBN 1018162

Morgan & Morgan

20 N. Osceola Avenue, Suite 1600

Orlando, FL 32801

Telephone: (407) 418-2177

Facsimile: (407) 245-3424

Attorneys for Plaintiff

Primary E-Mail: rrusso@forthepeople.com

Secondary E-Mail: apichardo@forthepeople.com