

IN THE CIRCUIT COURT OF THE 9th JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

NEKIA DODD and YARNELL SAMPSON,
as Co-Personal Representatives of
the Estate of TYRE SAMPSON, deceased,
for and on behalf of all survivors,

CASE NO.

Plaintiffs,

v.

ICON PARK LIQUOR LICENSE, LLC d/b/a
ICON PARK, ORLANDO EAGLE DROP SLINGSHOT LLC,
EXTREME AMUSEMENT RIDES, LLC d/b/a
THE SLINGSHOT GROUP OF COMPANIES d/b/a
THE SLINGSHOT GROUP, IDL PARENT, LLC,
ID CENTER (FL) LLC, ORLANDO SLINGSHOT, LLC,
FUNTIME HANDELS GMBH, GERSTLAUER
AMUSEMENT RIDES GMBH, KEATOR
CONSTRUCTION, LLC, HIGH RIDES, LLC, and I Drive 360
MANAGEMENT SERVICES LLC,

Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, deceased, sue Defendants, ICON PARK LIQUOR LICENSE, LLC d/b/a ICON PARK, ORLANDO EAGLE DROP SLINGSHOT LLC, EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP, IDL PARENT, LLC, ID CENTER (FL) LLC, ORLANDO SLINGSHOT, LLC, FUNTIME HANDELS GMBH, GERSTLAUER AMUSEMENT RIDES GMBH, KEATOR CONSTRUCTION, LLC, HIGH RIDES, LLC, and I Drive 360 MANAGEMENT SERVICES LLC for damages and allege:

ALLEGATION AS TO ALL COUNTS

1. On March 24, 2022, fourteen-year-old Tyre Sampson fell several hundred feet to his death after he was ejected out of the Free Fall amusement park ride at Icon Park in Orlando Florida.

2. Tyre was a middle-school student and was visiting Icon Park while he was on his Spring Break.

3. Icon Park is located at 8375 International Drive Orlando, Florida, and advertises itself as “an entertainment complex featuring fun and games for the whole family.”

4. The Icon Park’s Free Fall ride is the world’s largest free-standing drop tower standing at 430 feet tall. Once the ride reaches the top, it tilts forward 30° and free falls several hundred feet at speeds of more than 75 miles per hour. Upon coming to a stop, the riders experience a g-force of around 4. To put this into perspective, the g-force experienced by astronauts during shuttle take-off is 3.

5. While most free fall rides of this type have both a shoulder harness and a seatbelt, this subject Free Fall ride only had an over-the-shoulder harness to “secure” riders.

6. Installing a seatbelt meeting applicable standards on the Free Fall ride would cost approximately \$22 per seat. All of the seats combined would cost approximately \$660.

7. On March 24, 2022 on or around 11:00 pm, Tyre was permitted entrance onto the Icon Park’s Free Fall ride.

8. On that date and time, Tyre stood at approximately 6’2 and weighed approximately 380 pounds. No weight or height restrictions were posted at the ticket counter and no ICON or SLINGSHOT Defendant employees, agents, apparent agents, servants, or contractors advised Tyre about any weight or height restrictions.

9. On March 24, 2022, while the drop tower was falling down 430 feet, Tyre was ejected out of his seat and fell at least a hundred feet to his death.

10. At all times material, Plaintiffs' Decedent, TYREE SAMPSON, was a lawful invitee at the Icon Park located at 8375 International Drive in Orlando, Florida.

11. Tyre was a fourteen-year-old young boy who was an honor-roll student and football player. Despite his prowess on the football field, he was known as a kind-hearted person who cared about others. Tyre had a long and prosperous life in front of him that was cut short by this tragic event.

PARTIES AND JURISDICTION

12. This is an action for wrongful death pursuant to Florida Statutes §§ 768.19-768.25.

13. Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives are (or will be) the duly appointed Co-Personal Representatives of the Estate of TYRE SAMPSON and are the proper parties to bring this action.

14. Plaintiff, NEKIA DODD, is the surviving mother of Plaintiffs' decedent, TYRE SAMPSON.

15. Plaintiff, YARNELL SAMPSON, is the surviving father of Plaintiffs' decedent, TYRE SAMPSON.

16. The Estate of TYRE SAMPSON is being filed, and will be pending, in Orange County, Florida.

17. Upon information and belief, ICON park (8375 International Drive, Orlando, Florida) and the rides therein are owned, operated, owned, controlled, leased, and/or managed by Defendants ICON PARK LIQUOR LICENSE LLC d/b/a ICON PARK, IDL PARENT LLC, ID CENTER (FL)

LLC, and/or I DRIVE 360 MANAGEMENT SERVICES LLC (hereafter referred to as “ICON DEFENDANTS.”)

18. Upon information and belief, the Free Fall amusement park ride was owned, operated, managed, supervised, controlled, maintained, inspected, tested, and designed by Defendants EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP SLINGSHOT LLC, HIGH RIDES, LLC, and ORLANDO SLINGSHOT LLC (hereafter referred to as the “SLINGSHOT DEFENDANTS”).

19. Upon information and belief, the Free Fall amusement park ride was manufactured, created, made, tested, inspected, and/or designed by Defendant FUNTIME HANDELS GMBH. Upon information and belief, the subject Free Fall seats and safety harnesses were manufactured, created, made, tested, inspected, and/or designed by Defendant GERSTLAUER AMUSEMENT RIDES GMBH (collectively hereafter referred to as “MANUFACTURING DEFENDANTS”).

20. Upon information and belief, the Free Fall amusement park ride was constructed, built, created, designed, tested, inspected, and/or made by Defendant KEATOR CONSTRUCTION LLC.

21. At all material times, Defendant, ICON PARK LIQUOR LICENSE, LLC d/b/a ICON Park (“ICON PARK”), was and is a Florida Limited Liability Company with its principal place of business located at 8445 International Drive, Orlando FL 32819.

22. At all material times, Defendant, ICON PARK, owned, operated, managed, maintained, inspected, and/or controlled the premises located at 8375 International Drive, Orlando FL 32819 (the “subject premises”).

23. At all material times, Defendant, EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP (“EXTREME

AMUSEMENT”) was and is a Foreign Limited Liability Company whose registered agent resides in Tallahassee, Florida.

24. At all material times, Defendant, THE SLINGSHOT GROUP OF COMPANIES mailing address was and is 7001 International Drive, Orlando FL 32819.

25. At all material times, Defendant, THE SLINGSHOT GROUP mailing address was and is 7001 International Drive, Orlando FL 32819.

26. At all material times, Defendant, EXTREME AMUSEMENT, including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, inspected, tested, conducted, and/or engaged in or carried on business including but not limited to controlling, managing, operating, testing, inspecting, and maintaining amusement park rides throughout the State of Florida. Specifically, Defendant EXTREME AMUSEMENT was engaged in the business of owning, operating, managing, maintaining, and controlling the subject ride.

27. This Court has both general and specific jurisdiction over Defendant EXTREME AMUSEMENT because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and the productions and materials it processed, rented, serviced, and maintained (including, but not limited to, the amusement park ride ridden by Plaintiffs’ decedent, TYRE SAMPSON, at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

28. At all material times, Defendant, ORLANDO EAGLE DROP SLIGNSHOT, LLC (“ORLANDO EAGLE DROP”) was and is a Foreign Limited Liability Company whose principal address is located at 8433 International Drive, Orlando Florida 32819 and whose registered agent resides in Tallahassee Florida.

29. At all material times, Defendant, ORLANDO EAGLE, owned, operated, managed, inspected, tested, maintained, and/or controlled the subject Free Fall Drop amusement park ride.

30. At all material times, Defendant, ORLANDO EAGLE DROP, including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant ORLANDO EAGLE DROP was engaged in the business of owning, operating, managing, maintaining, and controlling the subject ride.

31. This Court has both general and specific jurisdiction over Defendant ORLANDO EAGLE DROP because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and the productions and materials it processed, rented, serviced, and maintained (including, but not limited to, the amusement park ride ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

32. At all material times, Defendant, I DRIVE 350 MANAGEMENT SERVICES LLC ("I DRIVE") was and is a Florida Limited Liability Company whose registered agent resides in Plantation Florida and whose manager, Chuck Whittall, resides in Orlando, Florida.

33. At all material times, Defendant, I DRIVE, owned, operated, managed, maintained, and/or controlled the premises located at 8375 International Drive, Orlando FL 32819 (the "subject premises").

34. Defendant, IDL PARENT LLC (hereinafter referred to as "IDL"), is a foreign limited liability company organized under the laws of Delaware with its principal place of business purported to be in New York (but believed to actually be Florida).

35. At all times relevant to this cause, IDL was operating and doing business under the laws of the State of Florida. Upon information and belief, one or more members of IDL are residents/citizens of Florida. IDL can be served with process by serving its registered agent, Amy Barnard, 7940 Via Dellagio Way, Ste. 200, Orlando, Florida 32819.

36. At all material times, Defendant, IDL, including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant IDL was engaged in the business of owning, operating, managing, maintaining, and controlling the subject property.

37. This Court has both general and specific jurisdiction over Defendant IDL because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and because it owned, leased, controlled, and/or maintained the property where the subject amusement park ride was ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death.

38. Defendant, ID CENTER (FL) LLC (hereinafter referred to as "ID Center"), is a foreign limited liability company organized under the laws of Delaware with its principal place of business purported to be in New York (but believed to actually be in Florida).

39. At all times relevant to this cause, ID Center was operating and doing business under the laws of the State of Florida. Upon information and belief, one or more members of ID Center are residents/citizens of Florida. ID Center can be served with process by serving its registered agent, David Dearnaley, 7940 Via Dellagio Way, Ste. 200, Orlando, Florida 32819.

40. At all material times, Defendant, ID Center, including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated,

managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant ID Center was engaged in the business of owning, operating, managing, maintaining, and controlling the subject property.

41. This Court has both general and specific jurisdiction over Defendant ID Center because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and because it owned, leased, controlled, and/or maintained the property where the subject amusement park ride was ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death.

42. Defendant, ORLANDO SLINGSHOT LLC (hereinafter referred to as "ORLANDO SLINGSHOT"), is a foreign limited liability company organized under the laws of Delaware with its principal place of business in Orange County, Florida.

43. At all times relevant to this cause, ORLANDO SLINGSHOT was operating and doing business under the laws of the State of Florida. Upon information and belief, one or more members of ORLANDO SLINGSHOT are residents/citizens of Florida. Slingshot can be served with process by serving its registered agent, Corporation Service Company, 1201 Hays Street, Tallahassee, Florida 32301-2525.

44. At all material times, Defendant, ORLANDO SLINGSHOT including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant ORLANDO SLINGSHOT was engaged in the business of owning, operating, managing, maintaining, and controlling the subject ride.

45. This Court has both general and specific jurisdiction over Defendant ORLANDO SLINGSHOT because, *inter alia*, the entity conducted substantial business activity within this state,

maintained offices, employees, and agents within this state, caused a tortious act within this state, and the productions and materials it processed, rented, serviced, and maintained (including, but not limited to, the amusement park ride ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

46. Defendant, HIGH RIDES, LLC, is a foreign limited liability company organized under the laws of Delaware with its principal place of business 7001 International Drive, Orlando FL 32819.

47. At all times relevant to this cause, HIGH RIDES, LLC was operating and doing business under the laws of the State of Florida. Upon information and belief, one or more members of HIGH RIDES, LLC are residents/citizens of Florida. Slingshot can be served with process by serving its registered agent, Corporation Service Company, 1201 Hays Street, Tallahassee, Florida 32301-2525.

48. At all material times, Defendant, HIGH RIDES, LLC including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant HIGH RIDES, LLC was engaged in the business of owning, operating, managing, maintaining, and controlling the subject ride.

49. This Court has both general and specific jurisdiction over Defendant HIGH RIDES, LLC because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and the productions and materials it processed, rented, serviced, and maintained (including, but not limited to, the amusement park ride ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

50. Defendant, FUNTIME HANDELS GMBH (hereinafter referred to as “FUNTIME”) is a foreign corporation organized under the laws of Austria with its principal place of business in Austria. At all times relevant to this cause, FUNTIME was operating and doing business under the laws of the State of Florida (FUNTIME has, among other things, designed, manufactured, supplied and distributed multiple other rides that are located and in use in the State of Florida). Austria is a member of the Hague Convention on Private International Law (the “Hague Convention”) and is a contracting party of the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Service Convention”). Under the relevant provisions of Austria’s acceptance of the Hague Service Convention, FUNTIME can be served with process by the Austrian Bundesministerium für Justiz (“Federal Ministry of Justice”), Section I – Civil Law, Division 10 – International Personal and Family Law, Museumstrasse 7, 1070 Vienna, Austria. FUNTIME’s business address is Straße des Ersten Mai 108B A-1020 Wien Austria.

51. At all material times, Defendant, FUNTIME, including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant FUNTIME was engaged in the business of manufacturing, designing, creating, making, owning, operating, managing, maintaining, and controlling the subject ride, along with other amusement park rides throughout the State of Florida.

52. This Court has both general and specific jurisdiction over Defendant FUNTIME because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and the productions and materials it processed, rented, serviced, and maintained (including, but not limited

to, the amusement park ride ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

53. Defendant, GERSTLAUER AMUSEMENT RIDES GMBH ("GERSTLAUER") is a foreign corporation organized under the laws of Germany with its principal place of business in Germany. GERSTLAUER designs and manufactures amusement park rides throughout the world. At all times relevant to this cause, GERSTLAUER was operating and doing business under the laws of the State of Florida (GERSTLAUER has, among other things, designed, manufactured, supplied and distributed multiple other rides that are located and in use in the State of Florida). Germany is a member of the Hague Convention on Private International Law (the "Hague Convention") and is a contracting party of the Convention of 15 April 1958 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the "Hague Service Convention"). Under the relevant provisions of Germany's acceptance of the Hague Service Convention, GERSTLAUER can be served with process by Central Authority of Germany (Bundesamt für Justiz (Federal Office of Justice) Zentrale Behörde (Central Authority) 53094 Bonn, Germany.) GERSTLAUER'S business address is Industriestrasse 17 86505, Münsterhausen, Bayern Germany.

54. At all material times, Defendant, GERSTLAUER, including its employees, contractors, and agents, had substantial, and not isolated, contacts with the State of Florida where it owned, operated, managed, maintained, controlled, conducted, and/or engaged in or carried on business. Specifically, Defendant GERSTLAUER was engaged in the business of manufacturing, creating, designing, making, owning, operating, managing, maintaining, and controlling the subject amusement park ride seats.

55. This Court has both general and specific jurisdiction over Defendant GERSTLAUER because, *inter alia*, the entity conducted substantial business activity within this state, maintained offices, employees, and agents within this state, caused a tortious act within this state, and the productions and materials it processed, rented, serviced, and maintained (including, but not limited to, the amusement park ride ridden by Plaintiffs' decedent, TYRE SAMPSON, at the time of his death) were used within this state in the ordinary course of commerce, trade, or use.

56. Defendant, KEATOR CONSTRUCTION, LLC (hereinafter referred to as "KEATOR"), is a Florida Limited Liability Company organized under the laws of Florida with its principal place of business in Florida.

57. At all times relevant to this cause, KEATOR was operating and doing business under the laws of the State of Florida. Upon information and belief, one or more members of KEATOR are residents/citizens of Florida. KEATOR can be served with process by serving its registered agent, Victor Holcomb, 3203 West Cypress Street, Tampa, Florida 33607.

58. Venue is proper in Orange County, Florida because, *inter alia*, it is the site of the wrongful death that is the subject matter of this Complaint.

59. This is an action for damages in excess of Thirty Thousand Dollars (\$30,000.00), exclusive of interest costs, and attorneys' fees and is being brought pursuant to the Florida Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*

COUNT I
NEGLIGENCE AGAINST ICON DEFENDANTS
ICON PARK LIQUOR LICENSE LLC d/b/a ICON PARK, IDL PARENT LLC, ID CENTER
(FL) LLC, and I DRIVE 360 MANAGEMENT SERVICES LLC.

60. Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

61. At all material times, ICON DEFENDANTS (ICON PARK LIQUOR LICENSE LLC d/b/a ICON PARK, IDL PARENT LLC, ID CENTER (FL) LLC, and I DRIVE 360 MANAGEMENT SERVICES LLC.) owned, operated, controlled, maintained, was the lessor of, managed, and/or supervised, the subject premises and amusement park including the rides therein located at 8375 International Drive, Orlando FL 32819.

62. ICON DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to exercise reasonable care in operating, managing, maintaining, designing, inspecting, constructing, testing, fixing, and/or controlling the amusement park rides located on its premises, including the subject Free Fall amusement park ride.

63. ICON DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn of dangerous and unsafe conditions of any amusement park rides, including the subject Free Fall Drop amusement park ride.

64. ICON DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers as to any height and weight restrictions applicable to riding certain amusement park rides, including the subject Free Fall Drop amusement park ride.

65. ICON DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to properly train, supervise, and manage its employees and agents how to safely operate the subject amusement park ride.

66. ICON DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to properly train its employees and agents as to height and weight restrictions applicable to riding certain amusement park rides, including the subject Free Fall Drop amusement park ride.

67. ICON DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON to operate, maintain, test, control, and/or design the Free Fall ride in a reasonably safe manner and to correct and/or warn of risks or dangerous conditions of which the ICON DEFENDANTS through their agents, servants, employees, and independent contractors, either knew or should have known by the use of reasonable care.

68. At all times material, and prior to March 24, 2022, the ICON DEFENDANTS had actual and/or constructive knowledge of the nature of their Fee Fall ride and the risks associated with riding the Free Fall ride.

69. Further, at all times material, and prior to March 24, 2022, the ICON DEFENDANTS had knowledge far greater than Tyre as to the risks associated with riding their attractions and, in particular, the Free Fall ride, and were in a far superior position to provide sufficient warnings and provide a reasonably safe ride to protect customers and invitees, such as Tyre, at the subject facility.

70. At all times material, and prior to March 24, 2022, the ICON DEFENDANTS promoted the use of the subject location, including the Free Fall ride, and received direct and indirect economic and non-economic benefits from the public's use of the subject location, including the Free Fall ride, and in fact encouraged and promoted use of the subject location and ride.

71. At all times material, and prior to March 24, 2022, it was foreseeable to the ICON DEFENDANTS that members of the public and customers, including minors, would utilize and ride the subject attraction, including the Free Fall ride.

72. ICON DEFENDANTS by and through their employees, contractors, servants, agents, and apparent agents, breached their duties owed to Plaintiffs' decedent, TYRE SAMPSON, by engaging in the following acts or omissions:

- a. Failing to own, operate, control and maintain, a safe amusement park ride for its customers, including TYRE SAMPSON;
- b. Failing to provide a safe amusement park ride for its customers, including TYRE SAMPSON;
- c. Failing to safely operate, maintain, control, manage, supervise, and/or lease, the subject Free Fall amusement park ride;
- d. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall amusement park ride;
- e. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- f. Failing to follow the Free Fall tower guidelines regarding how to safely and properly operate said amusement park ride;
- g. Failing to train its employees, contractors, and agents as to the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- h. Failing to post warnings as to the proper height and weight restrictions for the Free Fall amusement park ride;
- i. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall amusement park ride;
- j. Failing to implement safety measures for the Free Fall amusement park ride;
- k. Failing to design, construct, build, test, maintain, and inspect the Free Fall amusement park ride to avoid foreseeable injury and death to passengers who are exposed to the risk of falling out of the seat from the Free Fall Drop ride;

- l. Failing to operate, maintain, design, inspect, and maintain the Free Fall ride to avoid foreseeable injury and death, to foreseeable passengers, presented by risks including, but not limited to bodily injuries and death caused by falling out of the seat from the Free Fall ride during ride acceleration and/or changes in direction and/or from forces generated;
- m. Failing to provide appropriate restraint systems on the Free Fall ride to protect passengers, including, but not limited to, minors, from injury and death;
- n. Failing to reasonably and adequately warn of known and foreseeable risks associated with passengers foreseeably participating on the Free Fall ride, such risks include, but are not limited to, bodily injuries and death caused by falling out of the seat from the Free Fall ride;
- o. Failing to provide an amusement park ride that held users in a stable or safe position during the course of the ride;
- p. Failing to adequately test the Free Fall ride to determine whether prospective users and occupants of the Free Fall ride would be exposed to an unreasonable risk of injury and death during foreseeable events on the Free Fall ride;
- q. Concealing the defective design of the Free Fall ride and its known susceptibility to cause injury and death in normal ride operation;
- r. Failing to close the Free Fall ride despite knowledge of the unreasonably dangerous and foreseeable defects;
- s. Negligently advertising and marketing the amusement park, including the Free Fall ride, to the public and to families with children and encouraging them to place their families in a ride they knew or should have known was unreasonably dangerous;

- t. Negligently failing to properly inspect and maintain the ride in accordance with ride standards and their own maintenance regimen;
- u. Negligently selling TYRE SAMPSON a ticket to ride the Free Fall ride despite his height and weight, and the unreasonable and foreseeable risks associated therewith;
- v. Negligently allowing TYRE SAMPSON to board and ride the Free Fall ride despite his height and weight, and the unreasonable and foreseeable risks associated therewith;
- w. Negligently failing to install and utilize adequate restraint systems on the Free Fall ride;
- x. Negligently adjusting restraint systems on the Free Fall ride;
- y. Negligently failing to have an employee, servant, contractor or agent ensure that Tyre was properly secured in the Free Fall ride;
- z. Negligently failing to have a second employee cross-check to ensure that Tyre was properly secured in the Free Fall ride;
- aa. Allowing the ride, and particularly the seat into which Tyre was placed, to stay in service despite performance issues;
- bb. Failing to train their employees about height and weight restrictions for the Free Fall;
- cc. Failing to train their employees the proper technique to adequately secure riders in the Free Fall;
- dd. Failing to train their employees to check to ensure that riders are properly secured in the Free Fall;
- ee. Failing to train their employees on what to do when a ride malfunctions;
- ff. Failing to train their employees how to properly inspect and maintain the Free Fall;

- gg. Failing to supervise their employees to ensure they are following height and weight restrictions for the Free Fall;
- hh. Failing to supervise their employees to ensure they are properly securing riders in the Free Fall;
- ii. Failing to supervise their employees to ensure they are checking that riders are properly secured in the Free Fall;
- jj. Failing to supervise their employees to ensure they are properly inspecting and maintaining the Free Fall;
- kk. Failing to terminate employees who are not following policies and procedures for rider loading, operating the Free Fall and inspecting and maintaining the Free Fall;
- ll. Failing to adequately warn Tyre of the dangerous condition;
- mm. Failing to provide adequate emergency medical treatment to Tyre after his fall;
- nn. Failing to provide adequate assistance to Tyre after his fall;
- oo. Failed to render first aid to Tyre after his fall;
- pp. Failing to make the dangerous condition reasonably safe;
- qq. Failing to install seat belts or a secondary safety system on the Free Fall;
- rr. Advising that seat belts or a secondary safety system were not required for the Free Fall;
- ss. Failing to comply with applicable Florida law regarding amusement park requirements;
- tt. Failing to comply with applicable Florida Statutes regarding amusement park ride minimum requirements;
- uu. Failing to comply with Florida Statute 616.242 regarding amusement park ride minimum requirements;
- vv. Failing to comply with requirements under Florida Administrative Code 5J-18;

ww. Failing to comply with requirements under ASTM F770-18;

xx. Failing to install a monitoring system visible to the Free Fall operator showing the status of each rider's restraint; and

yy. Failing to install a mechanism that stops operation of the ride if a rider's restraint is not properly secured.

zz. Other acts of negligence not yet discovered.

73. The ICON Defendants knew, or should have known, from their own tests and other real-world incidents involving the Free Fall ride, that users would be subject to unreasonably dangerous and foreseeable risks, and that serious injury and death of the occupants in the ride could result.

74. The ICON Defendants knew or, in the exercise of ordinary care, should have known the Free Fall ride was not in a reasonably safe condition.

75. The ICON Defendants had actual and/or constructive notice of the dangerous condition.

76. The ICON Defendants did not warn prospective users or occupants, including Tyre, of the unreasonable risk of injury and death associated with the negligent design of the Free Fall ride.

77. The ICON Defendants did not adequately warn prospective users or occupants, including Tyre, of the unreasonable risk of physical harm associated with the negligently dangerous conditions posed to users of the Free Fall ride.

78. The ICON Defendants are vicariously liable for all negligence and otherwise tortious conduct of ICON Defendants' agents, servants, employees, apparent agents and contractors occurring in the course and scope of their relationship.

79. The risks and dangerous conditions of the Free Fall ride were created by the ICON Defendants and in the exercise of reasonable care were foreseeable by the ICON Defendants.

80. The ICON Defendants knew or should have known of these risks and knew or should have known that members of the general public, such as Tyre, were ignorant of the risks and dangerous conditions known to the ICON Defendants, through their agents, servants, employees, and/or independent contractors.

81. The ICON Defendants had a non-delegable duty to use reasonable care in the method of operation of the ICON Defendants' business premises and in the construction and operation of a reasonably safe ride.

82. At the time the ICON Defendants' marketed, distributed, and/or sold amusement park tickets to Tyre, the ICON Defendants could reasonably have foreseen or did, in fact, knowingly foresee, the occurrence of injuries and death, such as the tragic death of Tyre described in this Complaint.

83. The ICON Defendants knew or should have known the duty to warn and to exercise reasonable care to design, test, manufacture, inspect, market and distribute the ride free of unreasonable risk of harm to users and occupants was a non-delegable duty. Accordingly, the ICON Defendants are liable to Plaintiff for the tragic death of Tyre, and for the alleged conduct of outside entities involved in the design, manufacture, testing, construction, and/or operation of the Free Fall ride.

84. At all times material hereto, the ICON Defendants breached the above listed duties of reasonable care to Tyre.

85. At all times material, the ICON Defendants 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 Tyre.

86. As a direct and proximate result of the negligence of ICON DEFENDANTS, Plaintiffs' decedent, TYRE SAMPSON, died when he was thrown out of the Free Fall Drop amusement park ride to his death.

87. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seek to recover all damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*, and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;
- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues Defendants, ICON PARK LIQUOR LICENSE LLC d/b/a ICON PARK, IDL PARENT LLC, ID CENTER (FL) LLC, and I DRIVE 360 MANAGEMENT SERVICES LLC. and demand judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT II
NEGLIGENCE AGAINST SLINGSHOT DEFENDANTS
EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF
COMPANIES d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP
SLINGSHOT LLC, HIGH RIDES, LLC and ORLANDO SLINGSHOT

88. Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

89. At all material times, SLINGSHOT DEFENDANTS (EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP SLINGSHOT LLC, HIGH RIDES, LLC and ORLANDO SLINGSHOT) owned, operated, controlled, inspected, designed, maintained, managed, and/or supervised, the subject Free Fall amusement park ride.

90. SLINGSHOT DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to exercise reasonable care in operating, managing, maintaining, designing, inspecting, constructing, and/or controlling the subject Free Fall amusement park ride.

91. SLINGSHOT DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers of any dangerous and unsafe conditions the subject Free Fall Drop amusement park ride.

92. SLINGSHOT DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers as to any height and weight restrictions applicable to the subject Free Fall Drop amusement park ride.

93. SLINGSHOT DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to properly train, supervise, and manage its employees and agents how to safely operate the subject amusement park ride.

94. SLINGSHOT DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to properly train its employees and agents as to height and weight restrictions applicable to the subject Free Fall Drop amusement park ride.

95. SLINGSHOT DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON to operate, maintain, test, control, and/or design the Free Fall ride in a reasonably safe manner and to correct and/or warn of risks or dangerous conditions of which the SLINGSHOT DEFENDANTS through their agents, servants, employees, and independent contractors, either knew or should have known by the use of reasonable care.

96. At all times material, and prior to March 24, 2022, the SLINGSHOT DEFENDANTS had actual and/or constructive knowledge of the nature of their Free Fall ride and the risks associated with riding the Free Fall ride.

97. Further, at all times material, and prior to March 24, 2022, the SLINGSHOT DEFENDANTS had knowledge far greater than Tyre as to the risks associated with their riding attractions and, in particular, the Free Fall ride, and were in a far superior position to provide sufficient warnings and provide a reasonably safe ride to protect customers and invitees, such as Tyre, at the subject facility.

98. At all times material, and prior to March 24, 2022, the SLINGSHOT DEFENDANTS promoted the use of the subject location, including the Free Fall ride, and received direct and indirect economic and non-economic benefits from the public's use of the subject location, including the Free Fall ride, and in fact encouraged and promoted use of the subject location and ride.

99. At all times material, and prior to March 24, 2022, it was foreseeable to the SLINGSHOT DEFENDANTS that members of the public and customers, including minors, would utilize and ride the subject attraction, including the Free Fall ride.

100. SLINGSHOT DEFENDANTS by and through their employees, contractors, servants, agents, and/or apparent agents breached their duties owed to Plaintiffs' decedent, TYRE SAMPSON, by engaging in the following acts or omissions:

- a. Failing to own, operate, control and maintain, a safe amusement park ride for its customers, including TYRE SAMPSON;
- b. Failing to provide a safe amusement park ride for its customers, including TYRE SAMPSON;
- c. Failing to safely operate, maintain, control, manage, supervise, and lease, the subject Free Fall amusement park ride;
- d. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall amusement park ride;
- e. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- f. Failing to implement safety measures for the Free Fall amusement park ride;
- g. Failing to follow the Free Fall tower guidelines regarding how to safely and properly operate said amusement park ride;
- h. Failing to train its employees, contractors, and agents to the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- i. Failing to post warnings as to the proper height and weight restrictions for the Free Fall amusement park ride;
- j. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall amusement park ride;

- k. Failing to design, construct, build, test, maintain, and inspect the Free Fall amusement park ride to avoid foreseeable injury and death to passengers who are exposed to the risk of falling out of the seat from the Free Fall Drop ride;
- l. Failing to operate, maintain, design, inspect, and maintain the Free Fall ride to avoid foreseeable injury and death, to foreseeable passengers, presented by risks including, but not limited to bodily injuries and death caused by falling out of the seat from the Free Fall ride during ride acceleration and/or changes in direction and/or from forces generated;
- m. Failing to provide appropriate restraint systems on the Free Fall ride to protect passengers, including, but not limited to, minors, from injury and death;
- n. Failing to reasonably and adequately warn of known and foreseeable risks associated with passengers foreseeably participating on the Free Fall ride, such risks include, but are not limited to, bodily injuries and death caused by falling out of the seat from the Free Fall ride;
- o. Failing to provide an amusement park ride that held users in a stable or safe position during the course of the ride;
- p. Failing to adequately test the Free Fall ride to determine whether prospective users and occupants of the Free Fall ride would be exposed to an unreasonable risk of injury and death during foreseeable events on the Free Fall ride;
- q. Concealing the defective design of the Free Fall ride and its known susceptibility to cause injury and death in normal ride operation,
- r. Failing to close the Free Fall ride despite knowledge of the unreasonably dangerous and foreseeable defects;

- s. Negligently manipulating proximity sensors for certain seats on the Free Fall ride;
- t. Negligently adjusting proximity sensors for certain seats on the Free Fall ride;
- u. Negligently advertising and marketing the amusement park, including the Free Fall ride, to the public and to families with children and encouraging them to place their families in a ride they knew or should have known was unreasonably dangerous;
- v. Negligently failing to properly inspect and maintain the ride in accordance with ride standards and their own maintenance regimen;
- w. Negligently selling TYRE SAMPSON a ticket to ride the Free Fall ride despite his height and weight, and the unreasonable and foreseeable risks associated therewith;
- x. Negligently allowing TYRE SAMPSON to board and ride the Free Fall ride despite his height and weight, and the unreasonable and foreseeable risks associated therewith;
- y. Negligently failing to install and utilize adequate restraint systems on the Free Fall ride;
- z. Negligently adjusting the restrain systems on the Free Fall ride;
- aa. Negligently failing to have an employee ensure that Tyre was properly secured in the Free Fall ride;
- bb. Negligently failing to have a second employee cross-check to ensure that Tyre was properly secured in the Free Fall ride;
- cc. Allowing the ride, and particularly the seat into which Tyre was placed, to stay in service despite performance issues;
- dd. Failing to train their employees about height and weight restrictions for the Free Fall;

- ee. Failing to train their employees the proper technique to adequately secure riders in the Free Fall;
- ff. Failing to train their employees to check to ensure that riders are properly secured in the Free Fall;
- gg. Failing to train their employees on what to do when a ride malfunctions;
- hh. Failing to train their employees how to properly inspect and maintain the Free Fall;
- ii. Failing to supervise their employees to ensure they are following height and weight restrictions for the Free Fall;
- jj. Failing to supervise their employees to ensure they are properly securing riders in the Free Fall;
- kk. Failing to supervise their employees to ensure they are checking that riders are properly secured in the Free Fall;
- ll. Failing to supervise their employees to ensure they are properly inspecting and maintaining the Free Fall;
- mm. Failing to terminate employees who are not following policies and procedures for rider loading, operating the Free Fall and inspecting and maintaining the Free Fall;
- nn. Failing to adequately warn Tyree of the dangerous condition;
- oo. Failing to make the dangerous condition reasonably safe;
- pp. Failing to provide adequate emergency medical treatment to Tyre after his fall;
- qq. Failing to provide adequate assistance to Tyre after his fall;
- rr. Failing to install seat belts or a secondary safety system on the Free Fall;
- ss. Advising that seat belts or a secondary safety system were not required for the Free Fall;

- tt. Failing to comply with applicable Florida law regarding amusement park requirements;
 - uu. Failing to comply with applicable Florida Statutes regarding amusement park ride minimum requirements;
 - vv. Failing to comply with Florida Statute 616.242 regarding amusement park ride minimum requirements;
 - ww. Failing to comply with requirements under Florida Administrative Code 5J-18;
 - xx. Failing to comply with requirements under ASTM F770-18;
 - yy. Failing to install a monitoring system visible to the Free Fall operator showing the status of each rider's restraint; and
 - zz. Failing to install a mechanism that stops operation of the ride if a rider's restraint is not properly secured.
- aaa. Other acts of negligence not yet discovered.

101. The SLINGSHOT Defendants knew, or should have known, from their own tests and other real-world incidents involving the Free Fall ride, that users would be subject to unreasonably dangerous and foreseeable risks, and that serious injury and death of the occupants in the ride could result.

102. The SLINGSHOT Defendants knew or, in the exercise of ordinary care, should have known the Free Fall ride was not in a reasonably safe condition.

103. The SLINGSHOT Defendants had actual or constructive notice of the dangerous condition.

104. The SLINGSHOT Defendants did not warn prospective users or occupants, including Tyre, of the unreasonable risk of injury and death associated with the negligent design of the Free Fall ride.

105. The SLINGSHOT Defendants did not adequately warn prospective users or occupants, including Tyre, of the unreasonable risk of physical harm associated with the negligently dangerous conditions posed to users of the Free Fall ride.

106. The SLINGSHOT Defendants are vicariously liable for the negligence and otherwise tortious conduct of the SLINGSHOT Defendants' agents, servants, employees, apparent agents and/or contractors occurring in the course and scope of the relationship.

107. The risks and dangerous conditions of the Free Fall ride were created by the SLINGSHOT Defendants and in the exercise of reasonable care were foreseeable by the SLINGSHOT Defendants.

108. The SLINGSHOT Defendants knew or should have known of these risks and knew or should have known that members of the general public, such as Tyre, were ignorant of the risks and dangerous conditions known to the SLINGSHOT Defendants, through their agents, servants, employees, and/or independent contractors.

109. The SLINGSHOT Defendants had a non-delegable duty to use reasonable care in the method of operation of the SLINGSHOT Defendants' business premises and in the construction and operation of a reasonably safe ride.

110. At the time the SLINGSHOT Defendants' marketed, distributed, and/or sold amusement park tickets to Tyre, the SLINGSHOT Defendants could reasonably have foreseen or did, in fact, knowingly foresee, the occurrence of injuries and death, such as the tragic death of Tyre described in this Complaint.

111. The SLINGSHOT Defendants knew or should have known the duty to warn and to exercise reasonable care to design, test, manufacture, inspect, market and distribute the ride free of unreasonable risk of harm to users and occupants was a non-delegable duty. Accordingly, the

SLINGSHOT Defendants are liable to Plaintiff for the tragic death of Tyre, and for the alleged conduct of outside entities involved in the design, manufacture, testing, construction, and/or operation of the Free Fall ride.

112. At all times material hereto, the SLINGSHOT Defendants breached the above listed duties of reasonable care to Tyre.

113. At all times material, the SLINGSHOT Defendants 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.

114. As a direct and proximate result of the negligence of SLINGSHOT DEFENDANTS, Plaintiffs' decedent, TYRE SAMPSON, died when he fell out of the Free Fall Drop amusement park ride to his death.

115. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 et seq., and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;
- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues Defendants, EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP SLINGSHOT LLC, HIGH RIDES, LLC and ORLANDO SLINGSHOT and demand judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT III
STRICT LIABILITY AGAINST SLINGSHOT DEFENDANTS
EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES
d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP SLINGSHOT LLC, HIGH
RIDES, LLC, and ORLANDO SLINGSHOT

116. Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

117. At all material times, SLINGSHOT DEFENDANTS (EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP SLINGSHOT LLC, HIGH RIDES, LLC and ORLANDO SLINGSHOT) were in the business of owning, operating, managing, controlling, designing, testing, maintaining, creating, and/or making the subject Free Fall Drop amusement park ride.

118. At all material times, SLINGSHOT Defendants owned, operated, managed, maintained, inspected, tested, and/or controlled the subject Free Fall Drop amusement park ride which Plaintiffs' decedent, TYRE SAMPSON, rode on March 24, 2022.

119. At all material times, SLINGSHOT Defendants knew or should have known that in the absence of proper warnings, instruction, training, safety mechanisms, or proper safety equipment the Free Fall Drop amusement park ride was unreasonably dangerous and extremely hazardous to customers such as Plaintiffs' decedent, TYRE SAMPSON.

120. At all material times, the foreseeable risks of harm from the Free Fall Drop amusement park ride to customers such as Plaintiffs' decedent, TYRE SAMPSON, could have been reduced or avoided by providing reasonable warnings, training, instruction, proper safety equipment, or by not allowing admittance to said ride.

121. At all material times, Plaintiffs' decedent, TYRE SAMPSON, rode the Free Fall Drop amusement park ride as intended and in the manner reasonably foreseeable to SLINGSHOT Defendants.

122. At all material times, the Free Fall ride was defective due to the following, without limitation:

- a. The Free Fall ride was defective because of a manufacturing defect because it posed conditions unreasonably dangerous to the public, including Tyre, and the ride was expected to and did reach Tyre without substantial change affecting that condition.
- b. The Free Fall ride was unreasonably dangerous because of a manufacturing defect because its intended design failed to perform as safely as the intended design would have performed.
- c. The Free Fall ride was defective because of a design defect because it posed a condition unreasonably dangerous to the public, including Tyre, the ride was expected to and did reach Tyre without substantial change affecting that condition.
- d. The Free Fall ride was unreasonably dangerous because its design failed to perform as safely as an ordinary consumer would expect when used as intended or when used in a manner reasonably foreseeable by the manufacturer and/or the risk of danger in the design outweighed the benefits of the ride.

123. There were design, manufacturing, and marketing defects in the subject Free Fall ride at the time it left the possession of SLINGSHOT DEFENDANTS. Specifically, the subject ride as well as the accompanying manual and warnings were unreasonably dangerous and defective as designed, manufactured and/or marketed taking into consideration the utility of the ride and the risks involved in its use. In designing, manufacturing, and constructing the Free Fall ride, a reasonable manufacturer, constructor, operator, distributor, designer, and supplier would have:

- a. Provided warnings visible to riders about height and weight restrictions;
- b. Installed seat belt restraints or another secondary safety system;
- c. Not permitted the ride to function if all riders were not properly secured;
- d. Not permitted the proximity sensors to be manipulated or adjusted;
- e. Installed a monitoring system visible to the operator to ensure that all riders' restraints were properly secured; and
- f. Installed a mechanism to stop operation of the ride if a rider's restraint was not properly secured.

124. A reasonable distributor, controller, owner, designed, tester, and/or manager would have properly warned or instructed about the dangers of the subject Free Fall ride and the dangers of not enforcing height and weight restrictions, not using seat belt restraints, and not ensuring that riders were properly secured.

125. The Free Fall ride was dangerous to an extreme beyond that which would be contemplated by the ordinary user with the ordinary knowledge common to the community as to the Free Fall's characteristics.

126. At the time the Free Fall left the possession of SLINGSHOT DEFENDANTS there were safer alternative designs, other than the designs used in the Free Fall, that would have prevented

or significantly reduced the risk of a rider coming out of the seat and the catastrophic injuries associated with such event.

127. These safer alternative designs existed and were economically and technologically feasible at the time of the manufacturer of the Free Fall ride by the application of then existing reasonably achievable scientific knowledge at the time the subject ride left the control of SLINGSHOT DEFENDANTS. Safer, alternative designs include, but are not limited to, a design that incorporated a seat belt, a visible monitoring system showing the status of each rider's restraint, not allowing the proximity sensors to be manipulated or altered, and a mechanism to stop the ride if a restraint was not properly secured.

128. At all times material, the Free Fall was in substantially the same condition at the time when ridden by Tyre as it was at the time it left the possession of SLINGSHOT DEFENDANTS.

129. At all material times, SLINGSHOT Defendants owned, operated, managed, controlled, designed, testing, created, and or made the subject Free Fall Drop amusement park ride in a manner so as to render it defective and unsafe for its intended use, due the following, without limitation:

- a. Failing to safely own, operate, manage, design, test, inspect, and/or control the subject Free Fall Drop amusement park ride;
- b. Failing to provide adequate warning, instruction, training or proper safety equipment to its customers, including but not limited to Plaintiffs' decedent, TYRE SAMPSON, regarding how to safely and properly ride the Free Fall Drop amusement park ride;
- c. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall Drop amusement park ride;

- d. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall Drop amusement park ride;
- e. Failing to follow the Free Fall Drop tower guidelines regarding how to safely and properly operate said amusement park ride;
- f. Failing to train its employees, contractors, and agents to the proper and safe height and weight restrictions for the Free Fall Drop amusement park ride;
- g. Failing to post warnings as to the proper height and weight restrictions for the Free Fall Drop amusement park ride;
- h. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall Drop amusement park ride;
- i. Failing to provide adequate safety restraints to customers, including Plaintiffs' decedent TYRE SAMPSON;
- j. Failing to provide adequate safety harnesses to customers, including Plaintiffs' decedent TYRE SAMPSON;
- k. Failing to provide seatbelts to customers, including Plaintiffs' decedent, TYRE SAMPSON;
- l. Improperly altering the proximity sensors on certain seats on the Free Fall ride;
- m. Improperly manipulating the proximity sensors on certain seats on the Free Fall ride;
- n. Other acts not yet discovered.

130. As a direct and proximate result of the SLINGSHOT Defendants ownership, control, design, testing, inspection, maintenance, and control over the Free Fall Drop amusement park ride, Plaintiffs' decedent, TYRE SAMPSON, died.

131. As a direct and proximate result of the SLINGSHOT Defendants failure to warn, instruct, train, or provide proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, he died from being thrown out of the Free Fall Drop amusement park ride.

132. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*, and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;
- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues Defendants, EXTREME AMUSEMENT RIDES, LLC d/b/a THE SLINGSHOT GROUP OF COMPANIES d/b/a THE SLINGSHOT GROUP, ORLANDO EAGLE DROP SLINGSHOT LLC, HIGH RIDES, LLC and ORLANDO SLINGSHOT and demand judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT IV
NEGLIGENCE AGAINST MANUFACTURING DEFENDANTS
FUNTIME HANDELS GMBH and GERSTLAUER AMUSEMENT RIDES GMBH

133. Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

134. At all material times, MANUFACTURING DEFENDANTS (FUNTIME HANDELS GMBH AND GERSTLAUER AMUSEMENT RIDES GMBH) manufactured, designed, built, created, made, constructed, tested, inspected, supplied, and/or distributed the subject Free Fall amusement park ride and/or the subject Free Fall amusement park ride seats and harnesses.

135. MANUFACTURING DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to exercise reasonable care in manufacturing, designing, building, creating, testing, inspecting, making, constructing, supplying, and/or distributing the Free Fall amusement park ride and seats.

136. MANUFACTURING DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers of any dangerous and unsafe conditions of the subject Free Fall Drop amusement park ride and seats.

137. MANUFACTURING DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers as to any height and weight restrictions applicable the subject Free Fall Drop amusement park ride and seats.

138. MANUFACTURING DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to properly train employees and agents as to height and weight restrictions applicable to the subject Free Fall Drop amusement park ride and seats.

139. MANUFACTURING DEFENDANTS owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON to operate, maintain, test, control, and/or design the Free Fall ride and seats in a reasonably safe manner and to correct and/or warn of risks or dangerous

conditions of which the MANUFACTURING DEFENDANTS through their agents, servants, employees, and independent contractors, either knew or should have known by the use of reasonable care.

140. At all times material, and prior to March 24, 2022, MANUFACTURING DEFENDANTS had actual and/or constructive knowledge of the nature of their Fee Fall ride and seats and the risks associated with riding the Free Fall ride.

141. Further, at all times material, and prior to March 24, 2022, MANUFACTURING DEFENDANTS had knowledge far greater than Tyre as to the risks associated with their riding attractions and, in particular, the Free Fall ride and seats, and were in a far superior position to provide sufficient warnings and provide a reasonably safe ride to protect customers and invitees, such as Tyre, at the subject facility.

142. At all times material, and prior to March 24, 2022, MANUFACTURING DEFENDANTS promoted the use of the subject location, including the Free Fall ride, and received direct and indirect economic and non-economic benefits from the public's use of the subject location, including the Free Fall ride, and in fact encouraged and promoted use of the subject location and ride.

143. At all times material, and prior to March 24, 2022, it was foreseeable to MANUFACTURING DEFENDANTS that members of the public and customers, including minors, would utilize and ride the subject attraction, including the Free Fall ride.

144. MANUFACTURING DEFENDANTS by and through their employees, contractors, servants, agents, and/or apparent agents breached the duties owed to Plaintiffs' decedent, TYRE SAMPSON, by engaging in the following acts or omissions:

- a. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall amusement park ride;

- b. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- c. Failing to train SLINGSHOT and ICON Defendants' employees, contractors, and agents about the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- d. Failing to warn SLINGSHOT and ICON Defendants' employees, contractors, and agents about proper and safe height and weight restrictions for the Free Fall amusement park ride;
- e. Failing to advise SLINGSHOT and ICON Defendants to post warnings as to the proper height and weight restrictions for the Free Fall amusement park ride;
- f. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall amusement park ride;
- g. Failing to design, construct, build, test, maintain, and inspect the Free Fall amusement park ride to avoid foreseeable injury and death to passengers who are exposed to the risk of falling out of the seat from the Free Fall Drop ride;
- h. Failing to implement safety measures for the Free Fall amusement park ride;
- i. Failing to operate, maintain, design, inspect, and maintain the Free Fall ride to avoid foreseeable injury and death, to foreseeable passengers, presented by risks including, but not limited to bodily injuries and death caused by falling out of the seat from the Free Fall ride during ride acceleration and/or changes in direction and/or from forces generated;
- j. Failing to provide appropriate restraint systems on the Free Fall ride to protect passengers, including, but not limited to, minors, from injury and death;

- k. Failing to reasonably and adequately warn of known and foreseeable risks associated with passengers foreseeably participating on the Free Fall ride, such risks include, but are not limited to, bodily injuries and death caused by falling out of the seat from the Free Fall ride;
- l. Failing to provide an amusement park ride that did not hold users in a stable or safe position during the course of the ride;
- m. Failing to adequately test the Free Fall ride to determine whether prospective users and occupants of the Free Fall ride would be exposed to an unreasonable risk of injury and death during foreseeable events on the Free Fall ride;
- n. Concealing the defective design of the Free Fall ride and its known susceptibility to cause injury and death in normal ride operation,
- o. Negligently advertising and marketing the amusement park, including the Free Fall ride, to the public and to families with children and encouraging them to place their families in a ride they knew or should have known was unreasonably dangerous;
- p. Negligently failing to install and utilize adequate restraint systems on the Free Fall ride;
- q. Failing to provide warnings visible to riders about height and weight restrictions for the Free Fall;
- r. Failing to install seat belts or a secondary safety system on the Free Fall;
- s. Advising that seat belts or a secondary safety system were not required for the Free Fall;
- t. Failing to install a mechanism that stops operation of the ride if a rider's restraint is not properly secured;
- u. Failing to provide an operator's manual that adequately explains operation of the ride, the safety features available and how to use them, etc.;

- v. Failing to warn owners and operators about making adjustments to the safety restraint system;
- w. Allowing the proximity sensors to be manipulated and adjusted;
- x. Failing to provide warnings about manipulating and/or adjusting the proximity sensors;
- y. Failing to advise owners and operators to place warnings to riders about weight restrictions;
- z. Failing to comply with applicable Florida law regarding amusement park requirements;
- aa. Failing to comply with applicable Florida Statutes regarding amusement park ride minimum requirements;
- bb. Failing to comply with Florida Statute 616.242 regarding amusement park ride minimum requirements;
- cc. Failing to comply with requirements under Florida Administrative Code 5J-18;
- dd. Failing to comply with requirements under ASTM F770-18;
- ee. Failing to provide a thorough and complete manual regarding the operation, maintenance, design, function, testing, and inspection of the Free Fall ride;
- ff. Designing and manufacturing the ride in a manner that allows owners and operators to make adjustments to the safety restraint system; and
- gg. Other acts of negligence not yet discovered.

145. MANUFACTURING DEFENDANTS knew, or should have known, from their own tests and other real-world incidents involving the Free Fall ride and seats, that users would be subject to unreasonably dangerous and foreseeable risks, and that serious injury and death of the occupants in the ride could result.

146. MANUFACTURING DEFENDANTS knew or, in the exercise of ordinary care, should have known the Free Fall ride and seats were not in a reasonably safe condition.

147. MANUFACTURING DEFENDANTS had actual or constructive notice of the dangerous condition.

148. MANUFACTURING DEFENDANTS did not warn prospective users or occupants, including Tyre, of the unreasonable risk of injury and death associated with the negligent design of the Free Fall ride and seats.

149. MANUFACTURING DEFENDANTS did not adequately warn prospective users or occupants, including Tyre, of the unreasonable risk of physical harm associated with the negligently dangerous conditions posed to users of the Free Fall ride and seats.

150. The risks and dangerous conditions of the Free Fall ride were created by MANUFACTURING DEFENDANTS and in the exercise of reasonable care were foreseeable by MANUFACTURING DEFENDANTS.

151. MANUFACTURING DEFENDANTS knew or should have known of these risks and knew or should have known that members of the general public, such as Tyre, were ignorant of the risks and dangerous conditions known to MANUFACTURING DEFENDANTS, through their agents, servants, employees, and/or independent contractors.

152. MANUFACTURING DEFENDANTS had a non-delegable duty to use reasonable care in the method of operation of MANUFACTURING DEFENDANTS business premises and in the construction and operation of a reasonably safe ride.

153. At the time the MANUFACTURING DEFENDANTS marketed, distributed, and/or sold amusement park tickets to Tyre, MANUFACTURING DEFENDANTS could reasonably have

foreseen or did, in fact, knowingly foresee, the occurrence of injuries and death, such as the tragic death of Tyre described in this Complaint.

154. MANUFACTURING DEFENDANTS knew or should have known the duty to warn and to exercise reasonable care to design, test, manufacture, inspect, market and distribute the ride and seats free of unreasonable risk of harm to users and occupants was a non-delegable duty. Accordingly, MANUFACTURING DEFENDANTS is liable to Plaintiff for the tragic death of Tyre, and for the alleged conduct of outside entities involved in the design, manufacture, testing, construction, and/or operation of the Free Fall ride.

155. At all times material hereto, MANUFACTURING DEFENDANTS breached the above listed duties of reasonable care to Tyre.

156. At all times material, MANUFACTURING DEFENDANTS 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.

157. As a direct and proximate result of the negligence of MANUFACTURING DEFENDANTS Plaintiffs' decedent, TYRE SAMPSON, died when he fell out of the Free Fall Drop amusement park ride to his death.

158. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 et seq., and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;

- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues Defendant, MANUFACTURING DEFENDANTS (FUNTIME HANDELS GMBH and GERSTLAUER AMUSEMENT RIDES GMB) and demand judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT V
STRICT LIABILITY AGAINST MANUFACTURING DEFENDANTS
FUNTIME HANDELS GMBH and GERSTLAUER AMUSEMENT RIDES GMBH

159. Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

160. At all material times, MANUFACTURING DEFENDANTS (FUNTIME HANDELS GMBH and GERSTLAUER AMUSEMENT RIDES GMBH) were in the business of manufacturing, designing, building, creating, making, constructing, inspecting, testing, supplying, and/or distributing the subject Free Fall amusement park ride and/or the subject Free Fall amusement park ride seats.

161. At all material times, MANUFACTURING DEFENDANTS knew or should have known that in the absence of proper warnings, instruction, training, safety mechanisms, or proper safety equipment the Free Fall Drop amusement park ride was unreasonably dangerous and extremely hazardous to customers such as Plaintiffs' decedent, TYRE SAMPSON.

162. At all material times, the foreseeable risks of harm from the Free Fall Drop amusement park ride to customers such as Plaintiffs' decedent, TYRE SAMPSON, could have been reduced or avoided by providing reasonable warnings, training, instruction, proper safety equipment, or by not allowing admittance to said ride.

163. At all material times, Plaintiffs' decedent, TYRE SAMPSON, rode the Free Fall Drop amusement park ride as intended and in the manner reasonably foreseeable to MANUFACTURING DEFENDANTS.

164. At all material times, the Free Fall ride was defective due to the following, without limitation:

- a. The Free Fall ride was defective because of a manufacturing defect because it posed conditions unreasonably dangerous to the public, including Tyre, and the ride was expected to and did reach Tyre without substantial change affecting that condition.
- b. The Free Fall ride was unreasonably dangerous because of a manufacturing defect because its intended design failed to perform as safely as the intended design would have performed.
- c. The Free Fall ride was defective because of a design defect because it posed a condition unreasonably dangerous to the public, including Tyre, the ride was expected to and did reach Tyre without substantial change affecting that condition.
- d. The Free Fall ride was unreasonably dangerous because its design failed to perform as safely as an ordinary consumer would expect when used as intended or when used in a manner reasonably foreseeable by the manufacturer and/or the risk of danger in the design outweighed the benefits of the ride.

165. There were design, manufacturing, and marketing defects in the subject Free Fall ride and seats at the time it left the possession of MANUFACTURING DEFENDANTS. Specifically, the subject ride and accompanying manual and warnings were unreasonably dangerous and defective as designed, manufactured and marketed taking into consideration the utility of the ride and the risks involved in its use. In designing, manufacturing, and constructing the Free Fall, a reasonable manufacturer, constructor, distributor, designer, and supplier would have:

- a. Provided warnings visible to riders about height and weight restrictions;
- b. Installed seat belt restraints or another secondary safety system;
- c. Not permitted the ride to function if all riders were not properly secured;
- d. Not permitted the proximity sensors to be manipulated and/or adjusted;
- e. Installed a monitoring system visible to the operator to ensure that all riders' restraints were properly secured; and
- f. Installed a mechanism to stop operation of the ride if a rider's restraint was not properly secured.

166. A reasonable manufacturer, distributor, owner, and/or manager would have properly warned or instructed about the dangers of the subject Free Fall ride and the dangers of not enforcing height and weight restrictions, not using seat belt restraints, and not ensuring that riders were properly secured.

167. The Free Fall ride and seats were dangerous to an extreme beyond that which would be contemplated by the ordinary user with the ordinary knowledge common to the community as to the free Fall's characteristics.

168. At the time the Free Fall and seats left the possession of MANUFACTURING DEFENDANTS there were safer alternative designs, other than the designs used in the Free Fall, that

would have prevented or significantly reduced the risk of a rider coming out of the seat and the catastrophic injuries associated with such event.

169. These safer alternative designs existed and were economically and technologically feasible at the time of the manufacture of the Free Fall ride by the application of then existing reasonably achievable scientific knowledge at the time the subject ride left the control of MANUFACTURING DEFENDANTS. Safer, alternative designs include, but are not limited to, a design that incorporated a seat belt, a visible monitoring system showing the status of each rider's restraint, not allowing the proximity sensors to be manipulated and/or adjusted, and a mechanism to stop the ride if a restraint was not properly secured.

170. At all times material, the Free Fall and seats were in substantially the same condition at the time when ridden by Tyre as it was at the time it left the possession of MANUFACTURING DEFENDANTS.

171. At all material times, MANUFACTURING DEFENDANTS manufactured, constructed, tested, inspected, built, created, and/or made the subject Free Fall Drop amusement park ride in a manner so as to render it defective and unsafe for its intended use, due to the following, without limitation:

- a. Failing to safely own, operate, manage, design, test, inspect, and/or control the subject Free Fall Drop amusement park ride;
- b. Failing to provide adequate warning, instruction, training or proper safety equipment to its customers, including but not limited to Plaintiffs' decedent, TYRE SAMPSON, regarding how to safely and properly ride the Free Fall Drop amusement park ride;
- c. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall Drop amusement park ride;

- d. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall Drop amusement park ride;
- e. Failing to follow the Free Fall Drop tower guidelines regarding how to safely and properly operate said amusement park ride;
- f. Failing to train its employees, contractors, and agents to the proper and safe height and weight restrictions for the Free Fall Drop amusement park ride;
- g. Failing to post warnings as to the proper height and weight restrictions for the Free Fall Drop amusement park ride;
- h. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall Drop amusement park ride;
- i. Failing to provide warnings visible to riders about height and weight restrictions for the Free Fall;
- j. Failing to install seat belts or a secondary safety system on the Free Fall;
- k. Advising that seat belts or a secondary safety system were not required for the Free Fall;
- l. Failing to install a monitoring system visible to the Free Fall operator showing the status of each rider's restraint;
- m. Failing to install a mechanism that stops operation of the ride if a rider's restraint is not properly secured;
- n. Failing to provide adequate safety restraints to customers, including Plaintiffs' decedent TYRE SAMPSON;
- o. Failing to provide adequate safety harnesses to customers, including Plaintiffs' decedent TYRE SAMPSON;

- p. Failing to provide seatbelts to customers, including Plaintiffs' decedent, TYRE SAMPSON;
- q. Improperly altering the proximity sensors on certain seats on the Free Fall ride;
- r. Improperly manipulating the proximity sensors on certain seats on the Free Fall ride;
- s. Other acts not yet discovered.

172. As a direct and proximate result of MANUFACTURING DEFENDANTS manufacturing, design, construction, building, testing, inspecting, and making of the Free Fall Drop amusement park ride and seats Plaintiffs' decedent, TYRE SAMPSON, died.

173. As a direct and proximate result of the MANUFACTURING DEFENDANTS failure to warn, instruct, train, or provide proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, he died from falling out of the Free Fall Drop amusement park ride.

174. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*, and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;
- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues Defendants, MANUFACTURING DEFENDANTS (FUNTIME HANDELS GMBH and GERSTLAUER AMUSEMENT RIDES GMBH) and demand judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT VI
NEGLIGENCE AGAINST KEATOR CONSTRUCTION LLC

Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

175. At all material times, KEATOR CONSTRUCTION LLC, designed, built, created, made, constructed, tested, inspected, supplied, and/or distributed the subject Free Fall amusement park ride.

176. KEATOR CONSTRUCTION LLC owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to exercise reasonable care in manufacturing, designing, building, creating, making, constructing, suppling, testing, inspecting and/or distributing the Free Fall amusement park ride.

177. KEATOR CONSTRUCTION LLC owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers of any dangerous and unsafe conditions of the subject Free Fall Drop amusement park ride.

178. KEATOR CONSTRUCTION LLC owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to warn customers as to any height and weight restrictions applicable the subject Free Fall Drop amusement park ride.

179. KEATOR CONSTRUCTION LLC owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON, to properly train employees and agents as to height and weight restrictions applicable to the subject Free Fall Drop amusement park ride.

180. KEATOR CONSTRUCTION LLC owed a duty to its customers, including Plaintiffs' decedent, TYRE SAMPSON to operate, maintain, test, control, and/or design the Free Fall ride in a reasonably safe manner and to correct and/or warn of risks or dangerous conditions of which the FUNTIME through their agents, servants, employees, and independent contractors, either knew or should have known by the use of reasonable care.

181. At all times material, and prior to March 24, 2022, KEATOR CONSTRUCTION LLC had actual and/or constructive knowledge of the nature of their Fee Fall ride and the risks associated with riding the Free Fall ride.

182. Further, at all times material, and prior to March 24, 2022, KEATOR CONSTRUCTION LLC had knowledge far greater than Tyre as to the risks associated with their riding attractions and, in particular, the Free Fall ride, and were in a far superior position to provide sufficient warnings and provide a reasonably safe ride to protect customers and invitees, such as Tyre, at the subject facility.

183. At all times material, and prior to March 24, 2022, KEATOR CONSTRUCTION LLC promoted the use of the subject location, including the Free Fall ride, and received direct and indirect economic and non-economic benefits from the public's use of the subject location, including the Free Fall ride, and in fact encouraged and promoted use of the subject location and ride.

184. At all times material, and prior to March 24, 2022, it was foreseeable to CONSTRUCTION DEFENDANTS that members of the public and customers, including minors, would utilize and ride the subject attraction, including the Free Fall ride.

185. KEATOR CONSTRUCTION LLC by and through their employees, contractors, servants, and agents, breached the duties owed to Plaintiffs' decedent, TYRE SAMPSON, by engaging in the following acts or omissions:

- a. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall amusement park ride;
- b. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- c. Failing to follow the Free Fall tower guidelines regarding how to safely and properly operate said amusement park ride;
- d. Failing to train its employees, contractors, and agents to the proper and safe height and weight restrictions for the Free Fall amusement park ride;
- e. Failing to post warnings as to the proper height and weight restrictions for the Free Fall amusement park ride;
- f. Failing to implement safety measures for the Free Fall amusement park ride;
- g. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall amusement park ride;
- h. Failing to design, construct, build, test, maintain, and inspect the Free Fall amusement park ride to avoid foreseeable injury and death to passengers who are exposed to the risk of falling out of the seat from the Free Fall Drop ride;
- i. Failing to operate, maintain, design, inspect, and maintain the Free Fall ride to avoid foreseeable injury and death, to foreseeable passengers, presented by risks including, but not limited to bodily injuries and death caused by falling out of the seat from the

Free Fall ride during ride acceleration and/or changes in direction and/or from forces generated;

- j. Failing to provide appropriate restraint systems on the Free Fall ride to protect passengers, including, but not limited to, minors, from injury and death;
- k. Failing to reasonably and adequately warn of known and foreseeable risks associated with passengers foreseeably participating on the Free Fall ride, such risks include, but are not limited to, bodily injuries and death caused by falling out of the seat from the Free Fall ride;
- l. Failing to provide an amusement park ride that did not hold users in a stable or safe position during the course of the ride;
- m. Failing to adequately test the Free Fall ride to determine whether prospective users and occupants of the Free Fall ride would be exposed to an unreasonable risk of injury and death during foreseeable events on the Free Fall ride;
- n. Concealing the defective design of the Free Fall ride and its known susceptibility to cause injury and death in normal ride operation,
- o. Failing to close the Free Fall ride despite knowledge of the unreasonably dangerous and foreseeable defects;
- p. Negligently advertising and marketing the amusement park, including the Free Fall ride, to the public and to families with children and encouraging them to place their families in a ride they knew or should have known was unreasonably dangerous;
- q. Negligently failing to properly inspect and maintain the ride in accordance with ride standards and their own maintenance regimen;

- r. Negligently selling TYRE SAMPSON a ticket to ride the Free Fall ride despite his height and weight, and the unreasonable and foreseeable risks associated therewith;
- s. Negligently allowing TYRE SAMPSON to board and ride the Free Fall ride despite his height and weight, and the unreasonable and foreseeable risks associated therewith;
- t. Negligently failing to install and utilize adequate restraint systems on the Free Fall ride;
- u. Negligently failing to have an employee ensure that Tyre was properly secured in the Free Fall ride;
- v. Negligently failing to have a second employee cross-check to ensure that Tyre was properly secured in the Free Fall ride;
- w. Allowing the ride, and particularly the seat into which Tyre was placed, to stay in service despite performance issues;
- x. Failing to train their employees about height and weight restrictions for the Free Fall;
- y. Failing to train their employees the proper technique to adequately secure riders in the Free Fall;
- z. Failing to train their employees to check to ensure that riders are properly secured in the Free Fall;
- aa. Failing to train their employees on what to do when a ride malfunctions;
- bb. Failing to train their employees how to properly inspect and maintain the Free Fall;
- cc. Failing to supervise their employees to ensure they are following height and weight restrictions for the Free Fall;

- dd. Failing to supervise their employees to ensure they are properly securing riders in the Free Fall;
- ee. Failing to supervise their employees to ensure they are checking that riders are properly secured in the Free Fall;
- ff. Failing to supervise their employees to ensure they are properly inspecting and maintaining the Free Fall;
- gg. Failing to terminate employees who are not following policies and procedures for rider loading, operating the Free Fall and inspecting and maintaining the Free Fall;
- hh. Failing to adequately warn Tyree of the dangerous condition; and/or
 - ii. Failing to make the dangerous condition reasonably safe;
 - jj. Failing to provide warnings visible to riders about height and weight restrictions for the Free Fall;
- kk. Failing to install seat belts or a secondary safety system on the Free Fall;
- ll. Advising that seat belts or a secondary safety system were not required for the Free Fall;
- mm. Failing to comply with applicable Florida law regarding amusement park requirements;
- nn. Failing to comply with applicable Florida Statutes regarding amusement park ride minimum requirements;
- oo. Failing to comply with Florida Statute 616.242 regarding amusement park ride minimum requirements;
- pp. Failing to comply with requirements under Florida Administrative Code 5J-18;
- qq. Failing to comply with requirements under ASTM F770-18;
- rr. Failing to install a monitoring system visible to the Free Fall operator showing the status of each rider's restraint; and

ss. Failing to install a mechanism that stops operation of the ride if a rider's restraint is not properly secured.

tt. Other acts of negligence not yet discovered.

186. KEATOR CONSTRUCTION LLC knew, or should have known, from their own tests and other real-world incidents involving the Free Fall ride, that users would be subject to unreasonably dangerous and foreseeable risks, and that serious injury and death of the occupants in the ride could result.

187. KEATOR CONSTRUCTION LLC knew or, in the exercise of ordinary care, should have known the Free Fall ride was not in a reasonably safe condition.

188. KEATOR CONSTRUCTION LLC had actual or constructive notice of the dangerous condition.

189. KEATOR CONSTRUCTION LLC did not warn prospective users or occupants, including Tyre, of the unreasonable risk of injury and death associated with the negligent design of the Free Fall ride.

190. KEATOR CONSTRUCTION LLC did not adequately warn prospective users or occupants, including Tyre, of the unreasonable risk of physical harm associated with the negligently dangerous conditions posed to users of the Free Fall ride.

191. The risks and dangerous conditions of the Free Fall ride were created by KEATOR CONSTRUCTION LLC Defendants and in the exercise of reasonable care were foreseeable by KEATOR CONSTRUCTION LLC.

192. KEATOR CONSTRUCTION LLC knew or should have known of these risks and knew or should have known that members of the general public, such as Tyre, were ignorant of the

risks and dangerous conditions known to KEATOR CONSTRUCTION LLC, through their agents, servants, employees, and/or independent contractors.

193. KEATOR CONSTRUCTION LLC had a non-delegable duty to use reasonable care in the method of operation of KEATOR CONSTRUCTION LLC's business premises and in the construction and operation of a reasonably safe ride.

194. At the time the KEATOR CONSTRUCTION LLC marketed, distributed, and/or sold amusement park tickets to Tyre, KEATOR CONSTRUCTION LLC could reasonably have foreseen or did, in fact, knowingly foresee, the occurrence of injuries and death, such as the tragic death of Tyre described in this Complaint.

195. KEATOR CONSTRUCTION LLC knew or should have known the duty to warn and to exercise reasonable care to design, test, manufacture, inspect, market and distribute the ride free of unreasonable risk of harm to users and occupants was a non-delegable duty. Accordingly, KEATOR CONSTRUCTION LLC is liable to Plaintiffs for the tragic death of Tyre, and for the alleged conduct of outside entities involved in the design, manufacture, testing, construction, and/or operation of the Free Fall ride.

196. At all times material hereto, KEATOR CONSTRUCTION LLC breached the above listed duties of reasonable care to Tyre.

197. At all times material, KEATOR CONSTRUCTION LLC 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.

198. As a direct and proximate result of the negligence of KEATOR CONSTRUCTION LLC Plaintiffs' decedent, TYRE SAMPSON, died when he fell out of the Free Fall Drop amusement park ride to his death.

199. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 et seq., and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;
- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues KEATOR CONSTRUCTION LLC and demand judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

COUNT VII
STRICT LIABILITY AGAINST KEATOR CONSTRUCTION LLC

200. Plaintiffs readopt and reallege all prior allegations contained in Paragraphs 1-59 of this Complaint.

201. At all material times, KEATOR CONSTRUCTION LLC), was in the business of manufacturing, designing, building, creating, testing, inspecting, making, constructing, supplying, and/or distributing the subject Free Fall amusement park ride.

202. At all material times, KEATOR CONSTRUCTION LLC knew or should have known that in the absence of proper warnings, instruction, training, safety mechanisms, or proper safety equipment the Free Fall Drop amusement park ride was unreasonably dangerous and extremely hazardous to customers such as Plaintiffs' decedent, TYRE SAMPSON.

203. At all material times, the foreseeable risks of harm from the Free Fall Drop amusement park ride to customers such as Plaintiffs' decedent, TYRE SAMPSON, could have been reduced or avoided by providing reasonable warnings, training, instruction, proper safety equipment, or by not allowing admittance to said ride.

204. At all material times, Plaintiffs' decedent, TYRE SAMPSON, rode the Free Fall Drop amusement park ride as intended and, in the manner, reasonably foreseeable to KEATOR.

205. At all material times, the Free Fall ride was defective due to the following, without limitation:

- a. The Free Fall ride was defective because of a manufacturing defect because it posed conditions unreasonably dangerous to the public, including Tyre, and the ride was expected to and did reach Tyre without substantial change affecting that condition.
- b. The Free Fall ride was unreasonably dangerous because of a manufacturing defect because its intended design failed to perform as safely as the intended design would have performed.
- c. The Free Fall ride was defective because of a design defect because it posed a condition unreasonably dangerous to the public, including Tyre, the ride was expected to and did reach Tyre without substantial change affecting that condition.
- d. The Free Fall ride was unreasonably dangerous because its design failed to perform as safely as an ordinary consumer would expect when used as intended or when used

in a manner reasonably foreseeable by the manufacturer and/or the risk of danger in the design outweighed the benefits of the ride.

206. There were design, manufacturing, and marketing defects in the subject Free Fall ride at the time it left the possession of KEATOR CONSTRUCTION LLC. Specifically, the subject ride and accompanying manual and warnings were unreasonably dangerous and defective as designed, manufactured and marketed taking into consideration the utility of the ride and the risks involved in its use. In designing, manufacturing, and constructing the Free Fall, a reasonable manufacturer, constructor, distributor, designer, and supplier would have:

- a. Provided warnings visible to riders about height and weight restrictions;
- b. Installed seat belt restraints or another secondary safety system;
- c. Not permitted the ride to function if all riders were not properly secured;
- d. Not permitting the proximity sensors to be manipulated and/or adjusted;
- e. Installed a monitoring system visible to the operator to ensure that all riders' restraints were properly secured; and
- f. Installed a mechanism to stop operation of the ride if a rider's restraint was not properly secured.

207. A reasonable manufacturer, distributor, owner, or manager would have properly warned or instructed about the dangers of the subject Free Fall ride and the dangers of not enforcing height and weight restrictions, not using seat belt restraints, and not ensuring that riders were properly secured.

208. The Free Fall ride was dangerous to an extreme beyond that which would be contemplated by the ordinary user with the ordinary knowledge common to the community as to the free Fall's characteristics.

209. At the time the Free Fall left the possession of KEATOR CONSTRUCTION LLC there were safer alternative designs, other than the designs used in the Free Fall, that would have prevented or significantly reduced the risk of a rider coming out of the seat and the catastrophic injuries associated with such event.

210. These safer alternative designs existed and were economically and technologically feasible at the time of the manufacture of the Free Fall ride by the application of then existing reasonably achievable scientific knowledge at the time the subject ride left the control of KEATOR CONSTRUCTION LLC. Safer, alternative designs include, but are not limited to, a design that incorporated a seat belt, a visible monitoring system showing the status of each rider's restraint, and a mechanism to stop the ride if a restraint was not properly secured.

211. At all times material, the Free Fall was in substantially the same condition at the time when ridden by Tyre as it was at the time it left the possession of KEATOR CONSTRUCTION LLC.

212. At all material times, KEATOR CONSTRUCTION LLC manufactured, constructed, tested, inspected, built, created, and/or made the subject Free Fall Drop amusement park ride in a manner so as to render it defective and unsafe for its intended use, due to the following, without limitation:

- a. Failing to safely own, operate, manage, design, test, inspect, and/or control the subject Free Fall Drop amusement park ride;
- b. Failing to provide adequate warning, instruction, training or proper safety equipment to its customers, including but not limited to Plaintiffs' decedent, TYRE SAMPSON, regarding how to safely and properly ride the Free Fall Drop amusement park ride;
- c. Failing to warn Plaintiffs' decedent, TYRE SAMPSON, of the risks associated with riding the Free Fall Drop amusement park ride;

- d. Failing to instruct Plaintiffs' decedent, TYRE SAMPSON, of the proper and safe height and weight restrictions for the Free Fall Drop amusement park ride;
- e. Failing to follow the Free Fall Drop tower guidelines regarding how to safely and properly operate said amusement park ride;
- f. Failing to train its employees, contractors, and agents to the proper and safe height and weight restrictions for the Free Fall Drop amusement park ride;
- g. Failing to post warnings as to the proper height and weight restrictions for the Free Fall Drop amusement park ride;
- h. Failing to provide the proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, when he rode the Free Fall Drop amusement park ride;
- i. Failing to provide warnings visible to riders about height and weight restrictions for the Free Fall;
- j. Failing to install seat belts or a secondary safety system on the Free Fall;
- k. Advising that seat belts or a secondary safety system were not required for the Free Fall;
- l. Failing to install a monitoring system visible to the Free Fall operator showing the status of each rider's restraint;
- m. Failing to install a mechanism that stops operation of the ride if a rider's restraint is not properly secured;
- n. Failing to provide adequate safety restraints to customers, including Plaintiffs' decedent TYRE SAMPSON;
- o. Failing to provide adequate safety harnesses to customers, including Plaintiffs' decedent TYRE SAMPSON;

- p. Failing to provide seatbelts to customers, including Plaintiffs' decedent, TYRE SAMPSON;
- q. Improperly altering the proximity sensors on certain seats on the Free Fall ride;
- r. Improperly manipulating the proximity sensors on certain seats on the Free Fall ride;
- s. Other acts not yet discovered.

213. As a direct and proximate result of KEATOR CONSTRUCTION LLC manufacturing, design, construction, building, testing, inspecting, and making of the Free Fall Drop amusement park ride, Plaintiffs' decedent, TYRE SAMPSON, died.

214. As a direct and proximate result of the KEATOR CONSTRUCTION LLC failure to warn, instruct, train, or provide proper safety equipment to Plaintiffs' decedent, TYRE SAMPSON, he died from falling out of the Free Fall Drop amusement park ride.

215. The Estate of TYRE SAMPSON and Plaintiffs' survivors, NEKIA DODD and YARNELL SAMPSON, have suffered and will continue suffer damages into the future. As a result, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, seeks to recover damages, which are allowed under the Wrongful Death Act, Fla. Stat. § 768.16 *et seq.*, and include the following:

- a. The loss of earnings of Decedent, TYREE SAMPON;
- b. The expense of medical care and funeral arrangements arising from the injury and death of Plaintiffs' decedent;
- c. The prospective net accumulations of the Estate of TYRE SAMPSON;
- d. The mental pain and suffering of NEKIA DODD and YARNELL SAMPSON as a result of the injury and death of their son, TYRE SAMPSON; and
- e. Any and all other damages that the applicable laws allow.

WHEREFORE, Plaintiffs, NEKIA DODD and YARNELL SAMPSON, as Co-Personal Representatives of the Estate of TYRE SAMPSON, sues Defendants, KEATOR CONSTRUCTION LLC and demands judgment against it for damages exclusive of attorney fees, costs, and interest, in an amount in excess of the jurisdictional limits of this Court.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues triable as of right by a jury.

Dated this 25th day of April 2022.

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¹ The Hillard Martinez Gonzales LLP law firm is not a Florida law firm and its attorneys Robert C. Hillard, Michael Richardson, Alex Hilliard and Jennifer Hightower are not members of the Florida bar licensed to practice law in Florida. Upon filing the complaint in this case Mr. Hillard, Mr. Richardson, Mr. Hilliard and Ms. Hightower will seek admittance to practice law in Florida through the appropriate pro hac vice procedures.