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IN THE CIRCUIT COURT OF THE 9TH JUDICIAL CIRCUIT
IN AND FOR OSCEOLA COUNTY, FLORIDA

Case No.: 09 CA 1116 ON

DENISE MOOTY,

Plaintiff,

vs.

WALT DISNEY WORLD CO.,

Defendant.

_____/

FILED IN OFFICE
CLERK OF THE COURT
OSCEOLA CO., FLORIDA
09 JUN 29 PM 2:12
MARCIA THOMPSON
CLERK OF COURT
DEPUTY

COMPLAINT

COMES NOW, DENISE MOOTY (hereinafter "Plaintiff"), by and through undersigned Counsel and files this Complaint against Defendant WALT DISNEY WORLD CO., and for cause states:

JURISDICTION, PARTIES, VENUE

1. This is an action for damages exceeding $15,000.
2. Venue is proper in Osceola County, Florida, as all of the material acts and occurrences described herein occurred in Osceola County, Florida.
3. Plaintiff is a resident of Orange County, Florida.
4. Defendant Walt Disney World Co. conducts business in Osceola County, Florida.
5. Rodney Penson, at all times material hereto, was an employee of Defendant Walt Disney World Co.
6. Linda Owens, at all times material hereto, was an employee of Defendant Walt Disney World Co.

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7. Linda Owens, at all times material hereto, was an employee of Defendant Walt Disney World Co.
8. John (last name unknown), at all times material hereto, was an employee of Defendant Walt Disney World Co.

FACTS

9. As of August 23rd, 2008, Plaintiff had been an "annual pass" holder for over 4 years with Walt Disney World Co.
10. Plaintiff exclusively purchased the annual pass each year because it helped her with her medical problems associated with abdominal adhesions.
11. In the 4 years that Plaintiff was an annual pass holder she would religiously ride the tower of terror every Saturday dozens of times to help alleviate her medical condition, her pain associated with it, and minimize the number of surgeries she required as a result.
12. The Disney employees who worked the tower of terror were aware of Plaintiff's medical condition and the benefits the ride presented to her health, and therefore allowed her to access the ride through an alternate entrance (the unload area) because it was physically arduous for her to walk up the hill to the ride every time.
13. Plaintiff never had any problems until February 9th, 2008, when she was confronted by a tower of terror manager who told her she no longer could use the alternate entrance. On that day, Plaintiff went to the Guest Relations Office and was given a "Guest Assistance Card" (GAC) to allow her to access the ride through the unload area.

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14. Plaintiff was given another GAC card which was to be valid between June 28th, 2008 and September 28th, 2008, and which stated that she was allowed to access the ride via the unload area.
15. On or about August 16th, 2008, Plaintiff was approached by a Disney employee named Linda Owens who told her that she was only allowed to ride the tower of terror 4 times per visit.
16. Further, Linda Owens did not allow Plaintiff to access the ride via the unload area, despite the fact that she had the GAC card that specifically permitted her to do so.
17. Plaintiff went to Guest Services to attempt to clarify the situation and was told, by an employee named "John" (last name unkown), that Disney would no longer honor the GAC card.
18. At that point, Plaintiff requested a refund for her annual pass because she purchased the pass with the understanding that she could ride the tower of terror an unlimited amount of times, space providing, as she had done for 4 years prior to these incidents.
19. A few days thereafter Plaintiff attempted to resolve the issue with Disney's executive office, but she was told they would not help her in any way.
20. On August 23rd, 2008, Plaintiff returned to Hollywood Studios on a complimentary guest pass and was told by a Disney employee working the Tower of Terror to go see a manager by the name of "LaJoy" (unsure if this is her first or last name, but it is the only name known by Plaintiff) to see if she could help Plaintiff with her problem. Upon discussing her situation with LaJoy, Lajoy made a phone call and told Plaintiff, "let's go see the manager in guest services." Plaintiff accompanied LaJoy to guest

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services only to discover the manger she was referring to was "John," the same individual referenced in paragraph 15 above.

21. Not surprisingly, John was unable to assist Plaintiff with her problem. While in the guest services office, Disney employee Rodney Penson (security officer) arrived. LaJoy, John, and Rodney Penson were acting in a very intimidating fashion toward Plaintiff and were in such close physical proximity to Plaintiff that they were restricting her freedom of movement. John offered Plaintiff a new GAC card for "fast pass" access only. When Plaintiff tried to explain it was physically difficult and straining on her to go up the ramp to the fast pass entrance, she was told to "take it or leave it." Plaintiff rejected this offer and was then allowed to leave the office.

22. After leaving the guest services offices, Plaintiff proceeded to the tower of terror in order to say good-bye to one of her friends. While doing so, Rodney Penson, LaJoy and John followed her and told her she was being ejected from the park. When Plaintiff asked why, Rodney Penson told her because she had used profanity toward him in the office when, in fact, Plaintiff never used profanity toward anyone.

23. Rodney Penson and John began to follow Plaintiff out of the park. As Plaintiff was in the turnstile exiting, Rodney Penson told Deputy Sheriff S. Chase that he wanted her detained and trespassed. At the direction of the Defendant's employees Deputy Chase then grabbed Plaintiff, put her arm behind her back and steered her over to the security office.

24. Once at the security office, Plaintiff was put in one of the smaller rooms attached to the main area, where she was detained for approximately 45 minutes. While in the room, Plaintiff overheard John and Rodney Penson laugh about the whole situation

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stating that they were finally getting rid of Plaintiff. Subsequently, Plaintiff was trespassed from all of Walt Disney Properties (Orange County Sheriff's Office case # 08-082803).

25. Since the aforementioned events, Plaintiff's physical condition has already worsened and she has had to have a surgery to alleviate her medical condition that the tower of terror helped her with immensely.

COUNT I – BREACH OF CONTRACT WALT DISNEY WORLD CO.

26. Plaintiff re-alleges and adopts Paragraphs 1-25 as is fully set forth herein.
27. Plaintiff purchased an annual pass from Disney Walt Disney World Co., and thereby entered into a valid and enforceable contract for services, in order to ride the tower of terror. This pass, "contract," in no way put a limit on the amount of times Plaintiff could ride a specific ride.
28. Nothing in the contract between Plaintiff and Disney (the annual pass) limited Plaintiff as to the number of times she could ride the tower of terror. In fact, Plaintiff had been allowed to ride the tower of terror an unlimited number of times, space providing, for 3 ½ years.
29. On August 16th, 2008, Defendant Owens, an employee acting within the course and scope of her employment with Defendant Walt Disney World Co., breached the contract by limiting the number of times Plaintiff could ride the tower of terror.
30. As a direct and proximate result, Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress, mental pain and suffering, physical pain and suffering, cost of hospitalization, cost of nursing care and

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medications, humiliation, embarrassment, shame, and damage to her reputation, some of which may continue into the future.

WHEREFORE, Plaintiff demands judgment against Walt Disney World Co. for compensatory damages, costs of this action, and such other and further relief as the Court deems just and proper.

COUNT II – FALSE ARREST
WALT DISNEY WORLD CO.

31. Plaintiff re-alleges and adopts Paragraphs 1-30 as is fully set forth herein.
32. The detention and/or arrest and/or deprivation of liberty of Plaintiff was unreasonable, unwarranted, unlawful, without legal authority or color of legal authority, and without probable cause.
33. The detention and/or arrest and/or deprivation of liberty of Plaintiff was against her will.
34. The detention and/or arrest and/or deprivation of liberty of Plaintiff was unreasonable and unwarranted under the circumstances.
35. Defendant Walt Disney World Co., through it's employees Defendant Linda Owens and Defendant Rodney Penson, personally and actively participated in Plaintiff's false arrest/ false imprisonment, in that it, by direct act or indirect procurement, personally participated in or proximately caused Plaintiff's false arrest/ false imprisonment.
36. At the time of the accident, Defendant Linda Owens and Defendant Rodney Penson,, were acting within the course and scope of their employment with Defendant, Walt Disney World Co.

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37. Defendant, Walt Disney World Co., is vicariously liable for the actions of its employees, agents and or apparent agents, Defendants Owens and Penson, wherein their actions caused severe personal injuries and damages suffered by Plaintiff as hereinafter alleged.

38. As a further direct and proximate result of Defendants Owens' and Defendant Penson's participation, by direct act or indirect procurement, in the false arrest of Plaintiff, Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress, mental pain and suffering, humiliation, embarrassment, shame, loss of freedom, and damage to her reputation, some of which may continue into the future.

WHEREFORE, Plaintiff demands judgment against Walt Disney World Co. for compensatory damages, costs of this action, and such other and further relief as the Court deems just and proper.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, DEFENDANT WALT DISNEY WORLD CO.

39. Plaintiff re-alleges and adopts Paragraphs 1-38 as is fully set forth herein.

40. Defendant Penson's conduct was intentional and/or reckless and he knew or should have known that his behavior would cause emotional distress.

41. Defendant Penson's conduct was outrageous and beyond all bounds of decency.

42. Defendant Penson's conduct caused emotional distress and the distress was severe.

43. At the time of the accident, Defendant Rodney Penson was acting within the course and scope of his employment with Defendant, Walt Disney World Co.

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44. Defendant, Walt Disney World Co., is vicariously liable for the actions of its employee, agent and or apparent agent, Defendant Penson, wherein his actions caused severe personal injuries and damages suffered by Plaintiff as hereinafter alleged.

45. As a direct and proximate result of Defendant Penson's intentional infliction of emotional distress towards Plaintiff, Plaintiff suffered economic and non-economic damages including, but not limited to, emotional distress, mental pain and suffering, humiliation, embarrassment, shame, and damage to her reputation, some of which may continue into the future.

WHEREFORE, Plaintiff demands judgment against Walt Disney World Co. for compensatory damages, costs of this action, and such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Fla.R.Civ.P. 1.430(b), Denise Mooty demands a trial by jury on all issues triable of right by a jury.

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