

STATE OF MISSOURI)
) SS
CITY OF ST. LOUIS)

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS

STATE OF MISSOURI

BRITNEY HOLMES, A Minor,)
By and through her Next Friend and)
Mother, VANESSA NEAL,)
)
Plaintiff,)

v.)

HALLOWEEN PRODUCTIONS, INC.)
d/b/a The Darkness)
Serve Registered Agent)
Eric Riess)
10 S. Broadway, Suite 2000)
St. Louis, MO 63102)
)
Defendant.)

Cause No. 1022-CC-01606

Division 1

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PETITION

COMES NOW Plaintiff and for her cause of action states:

1. That Brittney Holmes is a minor of the age of 15 years and brings this action by and through her Next Friend and Mother Vanessa Neal.
2. That on or about October 31, 2009, Plaintiff Brittney Holmes presented herself as a customer at a haunted house owned and operated by Defendant Halloween Productions, Inc., d/b/a The Darkness, located at 1525 South 8th Street, in the City of St. Louis, State of Missouri.
3. That while a customer of Defendant Halloween Productions, Inc. on October 31, 2009, Plaintiff was exposed to various chemical components comprising artificial fog, smoke and scents.

4. That as a result of the aforementioned exposure, Plaintiff Brittney Holmes was caused to sustain the following injuries and damages, to wit: that she suffered an anoxic/hypoxic injury to the brain that has rendered her paralyzed, speechless, thoughtless, and in a generally vegetative state; that all of Plaintiff's injuries are permanent, painful, progressive, and disabling; that Plaintiff suffered, suffers, and will in the future suffer the loss of the use of her body and mind; that Plaintiff has incurred medical and hospital expenses as and for treatment of her injuries in the approximate sum of \$545,000.00 to date and will in the future incur similar hospital and medical expenses; that Plaintiff has been permanently impaired in her earning capacity; that Plaintiff will be caused to incur life long nursing, therapy, and attendant care.

5. That the aforementioned injuries and damages sustained by Plaintiff Brittney Holmes were the direct and proximate result of the carelessness and negligence of this Defendant in the following particulars, to wit:

a. that this Defendant caused, allowed, and permitted Plaintiff to be exposed to excess amount of certain chemicals in a confined space;

b. that this Defendant failed to warn or otherwise advise its customers, and especially Plaintiff Brittney Holmes, of the existence and their exposure to the aforementioned chemicals when, in the exercise of ordinary care, Defendant could have and should have done so;


c. that this Defendant failed to provide a safe environment for its customers, especially Plaintiff Brittney Holmes and others suffering from respiratory ailments, when, in the exercise of ordinary care, Defendant could have and should have done so;

d. that this Defendant failed to adequately and timely monitor the chemical in the air at its haunted house.

6. That as a direct and proximate result of the aforementioned carelessness and negligence of this Defendant as aforementioned, Plaintiff Brittney Holmes sustained the injuries and damages as elsewhere alleged herein.

WHEREFORE, Plaintiff Brittney Holmes, through her Next Friend and Mother Vanessa Neal, prays damages against Defendant Hollywood Productions, Inc., d/b/a The Darkness, in a reasonable sum, together with her costs herein expended.

DEVEREAUX, STOKES, NOLAN,
FERNANDEZ & LEONARD, P.C.


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