

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

KATHERINE MARIE TERRY as the Personal  
Representative of the Estate of Gary Joseph  
Gatrell Terry,

Plaintiff,

-vs-

CASE NO. \_\_\_\_\_

TAVON C. WATSON, PETTY HOLDINGS,  
LLC., a foreign limited liability company,  
RICHARD PETTY DRIVING EXPERIENCE  
INC., a foreign for profit corporation, and  
EXOTIC DRIVING EXPERIENCE, LLC a  
foreign for profit corporation

Defendants.

\_\_\_\_\_ /

**COMPLAINT**

Plaintiff, KATHERINE MARIE TERRY, as Personal Representative of the Estate of Gary J. Terry, and sues the Defendants, TAVON C. WATSON, PETTY HOLDINGS, LLC., a foreign limited liability company, RICHARD PETTY DRIVING EXPERIENCE INC., a foreign for profit corporation, and EXOTIC DRIVING EXPERIENCE, LLC a foreign for profit corporation and says:

**COMMON ALLEGATIONS**

1. This is an action for damages that exceed the sum of FIFTEEN THOUSAND DOLLARS (\$15,000.00).
2. At all times material hereto, Gary Joseph Gatrell Terry, and his spouse, Katherine Marie Terry, resided in Davenport, Polk County, Florida with their natural-born child, Taylor M. Terry, whose date of birth is April 24, 2013.

3. Gary Joseph Gatrell Terry died on April 12, 2015, leaving an estate and known survivors and/or potential beneficiaries defined under the Florida Wrongful Death Act, Florida Statutes.

4. That at all times material to this cause of action, Katherine Marie Terry, is the duly appointed Personal Representative of the Estate of Gary Joseph Gatrell Terry and is presently serving in such capacity and is entitled to maintain this action. A copy of the Order and Letters of Appointment are attached hereto as Exhibit A.

5. The known survivors and/or potential beneficiaries of a recovery for wrongful death of the decedent and relationship to the decedent are as follows:

- a. Katherine Marie Terry, surviving spouse;
- b. Taylor M. Terry, minor daughter;
- c. Estate of Gary Joseph Gatrell Terry.

6. At all times material hereto, Defendant, TAVON C. WATSON was a resident of Osceola County, residing at 5767 Cane Island Loop, Apt 401, Kissimmee, Florida.

7. At all times material hereto, the Defendant, EXOTIC DRIVING EXPERIENCE, LLC., was and is a foreign limited liability company, authorized and doing business in the State of Florida, whose principal place of business is located at 6022 VICTORY LANE CONCORD, NC 28027 and whose designated Florida registered agent is NRAI SERVICES, INC 1200 South Pine Island Road, Plantation, FL 33324

8. At all times material hereto, the Defendant, RICHARD PETTY DRIVING EXPERIENCE INC., was and is a foreign for profit corporation, authorized and doing business in the State of Florida, whose principal place of business is located at 6022 VICTORY LANE

CONCORD, NC 28027 and whose designated Florida registered agent is NRAI SERVICES, INC  
1200 South Pine Island Road Plantation, FL 33324

9. At all times material hereto, the Defendant, PETTY HOLDINGS, LLC., was and is a foreign limited liability company, whose principal place of business is located at 6022 VICTORY LANE, CONCORD, NC 28027.

10. At all times material hereto, Defendant, RICHARD PETTY DRIVING EXPERIENCE INC was a wholly owned subsidiary corporation of Defendant, PETTY HOLDINGS, LLC.

11. At all times material hereto, the Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE, INC. owned, operated, managed and were in control of the business known as the Richard Petty Driving Experience, located at 3450 North World Dr. in Lake Buena Vista, Orange County, Florida.

12. At all times material hereto, the decedent, Gary Joseph Gatrell Terry, was legally upon said Richard Petty Driving Experience premises as an employee of Defendant, RICHARD PETTY DRIVING EXPERIENCE INC., and who was expressly or impliedly invited upon said premises for the benefit of said Defendant, working as a driving instructor at all times material hereto.

13. At all times material hereto, in conjunction with his employment as a driving instructor at Richard Petty Driving Experience, decedent, Gary Joseph Gatrell Terry, was required to ride in the passenger seat of high powered sports cars while customers, with little or no formal training or experience, were invited to drive the vehicles at a high rate of speed on a race track that was designed, maintained and operated by Defendants, PETTY HOLDINGS, LLC., and

RICHARD PETTY DRIVING EXPERIENCE, INC.

14. On or about April 12, 2015, Defendant, EXOTIC DRIVING EXPERIENCE, LLC, owned a 2011 Lamborghini, Superleggera Gallardo VIN No. ZHWGU7AJ6BLA10269 (hereinafter referred to as the “Lamborghini”) that, with the express or implied consent of the Defendants, EXOTIC DRIVING EXPERIENCE, LLC., PETTY HOLDINGS, LLC and RICHARD PETTY DRIVING EXPERIENCE INC., was being operated by Defendant, TAVON C. WATSON, at the Richard Petty Driving Experience facility, while the decedent, Gary Joseph Gatrell Terry, was riding in the passenger seat as his driving instructor.

15. At all times material hereto, Defendant, TAVON C. WATSON was not familiar with, and did not have sufficient training and/or expertise to safely operate the Lamborghini vehicle he was driving.

16. At all times material hereto, Defendant, TAVON C. WATSON was not familiar with the race track on which he was operating the Lamborghini vehicle and was provided with the proper training necessary to safely operate the vehicle on the track.

17. On or about April 12, 2015, after completing several laps around the racetrack in a clockwise direction, Defendant, TAVON C. WATSON, negligently operated the Lamborghini vehicle so that it lost control and struck a guardrail. The guardrail end portion penetrated approximately four feet into the into the passenger side of the Lamborghini vehicle, striking and killing Gary Joeseph Gatrell Terry (hereinafter referred to as the “subject accident.”).

18. The Richard Petty Driving Experience offered paying customers, without sufficient racecar driving experience or training, to drive high powered stock cars or exotic cars, such as the Lamborghini vehicle, on a track that was designed, maintained and operated by Defendants, PETTY

HOLDINGS, LLC. and RICHARD PETTY DRIVING EXPERIENCE INC.

19. The track was tri-oval in shape, made of asphalt, and was approximately one mile in length. There were safety guard rails placed in between the infield area and the inside track portion. The guardrails were made of galvanized corrugated two-wave beam design, in two sections, one on top of the other.

20. The stock cars and exotic cars shared the same track, however, the stock cars traversed the track in a counter-clockwise direction while the exotic cars went in a clockwise direction.

21. The guardrails were designed and placed to deflect vehicles traveling in a counter clockwise direction around the track. In a counter clockwise direction, the end portions of the guard rails would not be exposed to traffic. However, the guardrail ends were open and unprotected in the event of impact by a vehicle traveling in a clockwise matter, such as the Lamborghini vehicle being driven on the exotic track by Defendant, TAVON C. WATSON on the date of the subject accident.

22. The above-referenced dangerous condition of the guardrail to vehicles traveling in a clockwise manner was specifically known to Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC. and was unknown to the decedent, Gary Joseph Gatrell Terry.

23. Prior to the date of the subject accident, Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC. had actual knowledge of the dangerous condition of the guardrail that existed and took no action to repair or correct it.

24. Prior to the date of the subject accident, Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC., and/or its agents, employees, or principals, knew or should have known that the danger posed by the guardrail to vehicles traveling in a clockwise manner was virtually certain to result in serious injury or death to individuals such as the decedent, Gary Joseph Gatrell Terry.

25. At all times material hereto, Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC., deliberately took actions, and/or failed to take actions, that were virtually certain to, and did, cause death to decedent, Gary Joseph Gatrell Terry.

26. At all times material hereto, Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC., engaged in conduct that they knew, based on experience or on explicit warnings specifically identifying a known danger, was virtually certain to result in injury or death to decedent, Gary Joseph Gatrell Terry.

27. At no time material hereto was decedent, Gary Joseph Gatrell Terry, aware of the risk posed by the guardrail to vehicles travelling in a clockwise manner because the danger was not apparent to him.

28. At all times material hereto, Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC., deliberately concealed or misrepresented the danger and prevented decedent, Gary Joseph Gatrell Terry from exercising informed judgment about whether to perform the work required of him as in instructor of the Richard Petty Driving Experience exotic race track.

29. That at all times material hereto, Defendants PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC. negligently designed and operated the exotic

race track, including the addition of guardrails that posed a hazard to drivers and passengers who were using the track in the designated clockwise direction of travel.

30. At all times material hereto, Defendants, PETTY HOLDINGS, LLC., and RICHARD PETTY DRIVING EXPERIENCE INC., failed to fulfill their legal duty to protect decedent, Gary Joseph Gatrell Terry, by ensuring that the guardrails on the Richard Petty Driving Experience exotic race track were safe.

**COUNT I**  
**NEGLIGENCE / WRONGFUL DEATH AGAINST TAVON C. WATSON**

31. Plaintiff incorporates the allegations in paragraphs 1-30 by reference as if fully restated herein and further states:

32. On or about April 12, 2015, Defendant, TAVON C. WATSON, was operating the Lamborghini vehicle in a clockwise direction around the Richard Petty Driving Experience track in Lake Buena Vista, Orange County, Florida when he negligently operated the vehicle so that he lost control of it, causing it to strike a guardrail, which penetrated the passenger compartment of the vehicle, killing Gary Joseph Gatrell Terry.

33. As a direct and proximate result of the aforesaid negligence of Defendant, TAVON C. WATSON, the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.

- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, TAVON C. WATSON, for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

**COUNT II**  
**CLAIM FOR VICARIOUS LIABILITY OF EXOTIC DRIVING EXPERIENCE, LLC**

34. Plaintiff incorporates the allegations in paragraphs 1-30 by reference as if fully restated herein and further states:

35. On or about April 12, 2015, Defendant, TAVON C. WATSON, was operating the Lamborghini vehicle, with the permission and consent of its owner, Defendant, EXOTIC DRIVING EXPERIENCE, LLC, in a clockwise direction around the Richard Petty Driving Experience track in Lake Buena Vista, Orange County, Florida when he negligently operated the

vehicle so that he lost control of it, causing it to strike a guardrail, which penetrated the passenger compartment of the vehicle, killing Gary Joseph Gatrell Terry.

36. EXOTIC DRIVING EXPERIENCE, LLC vicariously liable for the negligence of TAVON C. WATSON, wherein his negligence caused the injuries and death alleged herein.

37. As a direct and proximate result of the aforesaid negligence of Defendant, TAVON C. WATSON, for which EXOTIC DRIVING EXPERIENCE, LLC is responsible, the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, EXOTIC DRIVING EXPERIENCE, LLC, for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

**COUNT III**  
**CLAIM AGAINST EXOTIC DRIVING EXPERIENCE, LLC FOR**  
**NEGLIGENT ENTRUSTMENT**

38. Plaintiff, by reference, reiterates and adopts paragraphs 1 through 30 and further says:

39. That at the time of the accident alleged herein, the Defendant, EXOTIC DRIVING EXPERIENCE, LLC, negligently entrusted the Lamborghini to Defendant, TAVON C. WATSON, who was not properly trained, skilled or qualified to safely operate the Defendant's Lamborghini vehicle. Despite his lack of skill and/or training, EXOTIC DRIVING EXPERIENCE, LLC permitted, allowed and invited Defendant, TAVON C. WATSON, to operate the Lamborghini vehicle.

40. As a direct and proximate result of the aforesaid negligence of Defendant, TAVON C. WATSON, for which EXOTIC DRIVING EXPERIENCE, LLC is responsible, the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss

of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.

- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, EXOTIC DRIVING EXPERIENCE, LLC, for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

**COUNT IV**  
**CLAIM AGAINST RICHARD PETTY DRIVING EXPERIENCE INC. FOR**  
**NEGLIGENT ENTRUSTMENT**

41. Plaintiff, by reference, reiterates and adopts paragraphs 1 through 30 and further says:

42. That at the time of the accident alleged herein, the Defendant, RICHARD PETTY DRIVING EXPERIENCE INC., negligently entrusted the Lamborghini to Defendant, TAVON C. WATSON, who was not properly trained, skilled or qualified to safely operate the Lamborghini vehicle. Despite his lack of skill and/or training, RICHARD PETTY DRIVING EXPERIENCE INC. permitted, allowed and invited Defendant, TAVON C. WATSON, to operate the Lamborghini vehicle.

43. As a direct and proximate result of the aforesaid negligence of Defendant, TAVON C. WATSON, for which RICHARD PETTY DRIVING EXPERIENCE INC. is responsible, the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, RICHARD PETTY DRIVING EXPERIENCE INC., for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

**COUNT V**  
**CLAIM AGAINST PETTY HOLDINGS, LLC FOR**  
**NEGLIGENT ENTRUSTMENT**

44. Plaintiff, by reference, reiterates and adopts paragraphs 1 through 30 and further says:

45. That at the time of the accident alleged herein, the Defendant, PETTY HOLDINGS, LLC, negligently entrusted the Lamborghini to Defendant, TAVON C. WATSON, who was not properly trained, skilled or qualified to safely operate the Defendant's Lamborghini vehicle. Despite his lack of skill and/or training, PETTY HOLDINGS, LLC permitted, allowed and invited Defendant, TAVON C. WATSON, to operate the Lamborghini vehicle.

46. As a direct and proximate result of the aforesaid negligence of Defendant, TAVON C. WATSON, for which PETTY HOLDINGS, LLC is responsible, the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other

damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.

- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, PETTY HOLDINGS, LLC, for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

**COUNT VI**  
**CLAIM FOR NEGLIGENCE / WRONGFUL DEATH AGAINST**  
**RICHARD PETTY DRIVING EXPERIENCE INC.**

47. Plaintiff, by reference, reiterates and adopts paragraphs 1 through 30 and further says:

48. At all times material hereto, Defendant had a duty to comply with all applicable safety codes and other laws, including, without limitations, those designed to protect those such as the decedent, Gary Joseph Gatrell Terry.

49. Defendant deliberately breached its duties by violating safety codes and other laws concerning the design of the guardrails on the exotic race track at the Richard Petty Driving Experience, and other measures which would have prevented the death of Gary Joseph Gatrell Terry.

50. At all times material hereto, Defendant, RICHARD PETTY DRIVING EXPERIENCE INC. owed a duty to its employee, decedent, Gary Joseph Gatrell Terry, to avoid the conduct that was virtually certain to result in serious injury or death.

51. The dangerous condition of the exotic race track was created by the Defendant, known to the Defendant, and or had existed for a sufficient length of time so that Defendant could have easily remediated the condition.

52. At all times material hereto, Defendant, RICHARD PETTY DRIVING EXPERIENCE INC., concealed the dangerous condition from its employee, decedent, Gary Joseph Gatrell Terry, and deliberately failed to fulfill its legal duties to furnish a place of employment free from recognized hazards that were causing or likely to cause death or serious physical harm to employees who were exposed to such hazards, including but not limited to:

- a. Failing to install a guardrail that would be safe for vehicles traveling in a clockwise manner on the exotic race track at the Richard Petty Driving Experience;
- b. Failing to otherwise protect employees from the hazard posed by the guardrail on the exotic race track at the Richard Petty Driving Experience;
- c. Failing to take remedial action on a known dangerous condition.
- d. Failing to provide a training program for employee/driving instructors that were exposed to the hazards posed by the exotic race track at the Richard Petty Driving Experience;
- e. Failing to train the decedent, Gary Joseph Gatrell Terry to recognize the hazardous condition posed by the guardrail when traveling in a clockwise manner on the exotic race track at the Richard Petty Driving Experience;
- f. Failing to provide Richard Petty Driving Experience customers with adequate training prior to allowing them to drive high powered vehicles at the Richard Petty Driving Experience;
- g. Failing to provide employee/driving instructors with adequate vehicle safety measures to protect them from the hazards posed by negligent acts committed by the Richard Petty Driving Experience customers;
- h. Failing to provide the decedent, Gary Joseph Gatrell Terry with a safe work environment.

- i. Other acts of negligence as discovery demonstrates.

53. As a direct and proximate result of the aforesaid negligence, Defendant RICHARD PETTY DRIVING EXPERIENCE INC., the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, RICHARD PETTY DRIVING EXPERIENCE INC. for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

**COUNT VII**  
**CLAIM FOR NEGLIGENCE / WRONGFUL DEATH AGAINST**  
**PETTY HOLDINGS, LLC.**

54. Plaintiff, by reference, reiterates and adopts paragraphs 1 through 30 and further says:

55. At all times material hereto, Defendant had a duty to comply with all applicable safety codes and other laws, including, without limitations, those designed to protect those such as the decedent, Gary Joseph Gatrell Terry.

56. Defendant deliberately breached its duties by violating safety codes and other laws concerning the design of the guardrails on the exotic race track at the Richard Petty Driving Experience, and other measures which would have prevented the death of Gary Joseph Gatrell Terry.

57. At all times material hereto, Defendant, PETTY HOLDINGS, LLC. owed a duty to its employee, decedent, Gary Joseph Gatrell Terry, to avoid the conduct that was virtually certain to result in serious injury or death.

58. The dangerous condition of the exotic race track was created by the Defendant, known to the Defendant, and or had existed for a sufficient length of time so that Defendant could have easily remediated the condition.

59. At all times material hereto, Defendant, PETTY HOLDINGS, LLC., concealed the dangerous condition from its employee, decedent, Gary Joseph Gatrell Terry, and deliberately failed to fulfill its legal duties to furnish a place of employment free from recognized hazards that were causing or likely to cause death or serious physical harm to employees who were exposed to such hazards, including but not limited to:

- a. Failing to install a guardrail that would be safe for vehicles traveling in a clockwise manner on the exotic race track at the Richard Petty Driving Experience;
- b. Failing to otherwise protect employees from the hazard posed by the guardrail on the exotic race track at the Richard Petty Driving Experience;
- c. Failing to take remedial action on a known dangerous condition.
- d. Failing to provide a training program for employee/driving instructors that were exposed to the hazards posed by the exotic race track at the Richard Petty Driving Experience;
- e. Failing to train the decedent, Gary Joseph Gatrell Terry to recognize the hazardous condition posed by the guardrail when traveling in a clockwise manner on the exotic race track at the Richard Petty Driving Experience;
- f. Failing to provide Richard Petty Driving Experience customers with adequate training prior to allowing them to drive high powered vehicles at the Richard Petty Driving Experience;
- g. Failing to provide employee/driving instructors with adequate vehicle safety measures to protect them from the hazards posed by negligent acts committed by the Richard Petty Driving Experience customers;
- h. Failing to provide the decedent, Gary Joseph Gatrell Terry with a safe work environment.
- i. Other acts of negligence as discovery demonstrates.

60. As a direct and proximate result of the aforesaid negligence, Defendant, PETTY HOLDINGS, LLC., the decedent suffered fatal injuries and died shortly after the accident, consequently entitling Plaintiff to recover as follows:

- a. The wife of the decedent, KATHERINE MARIE TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her husband's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.

- b. The minor daughter of the decedent, TAYLOR M. TERRY, has suffered in the past and will suffer in the future mental pain and suffering and the loss of her father's support and services plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- c. The Estate of Gary Joseph Gatrell Terry has incurred medical and funeral expenses due to his injury and death that have become a charge against his estate, has sustained a loss of prospective net accumulations, plus such other damages as permitted by the Florida Wrongful Death Act, § 768.18 *et. seq.*, Fla. Stat.
- d. Any and all other damages allowed by case or statutory law of Florida.

WHEREFORE, the Plaintiff, KATHERINE MARIE TERRY as Personal Representative of the Estate of Gary Joseph Gatrell Terry, sues the Defendant, PETTY HOLDINGS, LLC., for damages, together with costs, interest and such other and further relief as this Court deems just and proper and demands a trial by jury on all issues so triable.

DATED this 16<sup>th</sup> day of December, 2016.

DELLECKER WILSON KING McKENNA  
RUFFIER & SOS, LLP

*/s/ Anthony F. Sos*

BY: \_\_\_\_\_

**Robert H. Dellecker**

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