

# Superior Court of California

## County of Orange



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Case Number : 30-2017-00956115-CU-PO-CJC

Copy Request: 3440720

Request Type: Case Documents

Prepared for: cns

Number of documents: 1

Number of pages: 5

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <b>Eric V. Traut</b> SBN: 146644                  Traut Firm                  5 Hutton Centre Dr., Suite 700                  Santa Ana, CA 92707                  TELEPHONE NO: 714-835-7000 FAX NO. (Optional): 714-957-5759                  E-MAIL ADDRESS (Optional): eric@trautfirm.com                  ATTORNEY FOR (Name): Maria Watts</p>	<p>FOR COURT USE ONLY</p> <p><b>ELECTRONICALLY FILED</b>                  Superior Court of California,                  County of Orange</p> <p><b>11/16/2017</b> at 10:18:04 AM                  Clerk of the Superior Court                  By Candice Nguyen, Deputy Clerk</p>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>                  STREET ADDRESS: 700 Civic Center Drive West                  MAILING ADDRESS: 700 Civic Center Drive West                  CITY AND ZIP CODE: Santa Ana, 92701                  BRANCH NAME: Central Justice Center</p>	
<p>PLAINTIFF: Maria Watts</p> <p>DEFENDANT: Disneyland International and</p> <p><input checked="" type="checkbox"/> DOES 1 TO <u>10</u></p>	
<p><b>COMPLAINT—Personal Injury, Property Damage, Wrongful Death</b>  <input type="checkbox"/> AMENDED (Number):                  Type (check all that apply):  <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): General negligence  <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death  <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):</p>	
<p><b>Jurisdiction (check all that apply):</b>  <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE                  Amount demanded <input type="checkbox"/> does not exceed \$10,000  <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000  <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)  <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint  <input type="checkbox"/> from limited to unlimited  <input type="checkbox"/> from unlimited to limited</p>	<p>CASE NUMBER:                   30-2017-00956115-CU-PO-CJC                   Judge Theodore Howard</p>

1. **Plaintiff** (name or names): Maria Watts  
 alleges causes of action against **defendant** (name or names): Disneyland International
2. This pleading, including attachments and exhibits, consists of the following number of pages: 5
3. Each plaintiff named above is a competent adult
  - a.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):
  - b.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE: <b>Watts v. Disneyland International</b>	CASE NUMBER:
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4.  Plaintiff (*name*):  
is doing business under the fictitious name (*specify*):
- and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a.  **except** defendant (*name*): **Disneyland Intl.**
- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (*describe*):  
(4)  a public entity (*describe*):  
(5)  other (*specify*):
- b.  **except** defendant (*name*):
- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (*describe*):  
(4)  a public entity (*describe*):  
(5)  other (*specify*):
- c.  **except** defendant (*name*):
- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (*describe*):  
(4)  a public entity (*describe*):  
(5)  other (*specify*):
- d.  **except** defendant (*name*):
- (1)  a business organization, form unknown  
(2)  a corporation  
(3)  an unincorporated entity (*describe*):  
(4)  a public entity (*describe*):  
(5)  other (*specify*):
- Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a.  Doe defendants (*specify Doe numbers*): 1-10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b.  Doe defendants (*specify Doe numbers*): 1-10 are persons whose capacities are unknown to plaintiff.
7.  Defendants who are joined under Code of Civil Procedure section 382 are (*names*):
8. This court is the proper court because
- a.  at least one defendant now resides in its jurisdictional area.  
b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c.  injury to person or damage to personal property occurred in its jurisdictional area.  
d.  other (*specify*):
9.  Plaintiff is required to comply with a claims statute, **and**
- a.  has complied with applicable claims statutes, **or**  
b.  is excused from complying because (*specify*):

SHORT TITLE: <b>Watts v. Disneyland International</b>	CASE NUMBER:
---	--------------

10. The following causes of action are attached and the statements above apply to each *(each complaint must have one or more causes of action attached)*:
- a.  Motor Vehicle
  - b.  General Negligence
  - c.  Intentional Tort
  - d.  Products Liability
  - e.  Premises Liability
  - f.  Other *(specify)*:

11. Plaintiff has suffered
- a.  wage loss
  - b.  loss of use of property
  - c.  hospital and medical expenses
  - d.  general damage
  - e.  property damage
  - f.  loss of earning capacity
  - g.  other damage *(specify)*:

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are
- a.  listed in Attachment 12.
  - b.  as follows:

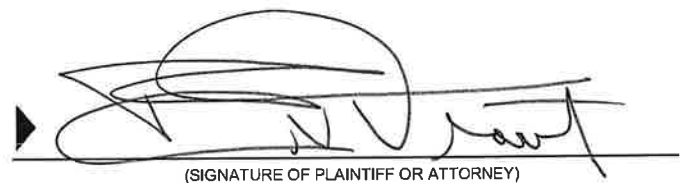
13. The relief sought in this complaint is within the jurisdiction of this court.

14. **Plaintiff prays** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for
- a. (1)  compensatory damages
  - (2)  punitive damages
- The amount of damages is *(in cases for personal injury or wrongful death, you must check (1))*:
- (1)  according to proof
  - (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows *(specify paragraph numbers)*: GN-1, Prem-L 1-3

Date: November 15, 2017

Eric V. Traut  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE: Watts v. Disneyland International	CASE NUMBER:
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           **FIRST CAUSE OF ACTION—General Negligence** Page   4    
 (number)

ATTACHMENT TO  Complaint  Cross - Complaint  
 (Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Maria Watts

alleges that defendant (name): Disneyland International and

Does   1   to   10  

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff  
 on (date): November 20, 2015  
 at (place): Disneyland, Anaheim, CA

(description of reasons for liability):

Plaintiff was a paying customer at Disneyland in Anaheim. She was in the California Adventure section of the park and riding in a raft on the ride called "Grizzly River Run" with her adult sister and two young nephews.

Disneyland International, and DOES 1 to 10, are owners and operators of Disneyland and all the rides and attractions on the property located in Anaheim. Said defendants are responsible for the safety and maintenance of the rides, including the "Grizzly River Run."

Disneyland International, and DOES 1 to 10, had a duty not to expose customers to an unreasonable risk of harm at the park, including the rides and attractions. With regard to conveyance/vehicle/raft rides within the park, said defendants have a higher duty of care and are considered a "common carrier" for conveyance type rides like the one involved in the subject incident.

Defendants, and each of them, breached their duty of care when the subject ride malfunctioned. Specifically, the conveyance was thrown into a wall and then struck another portion of the ride. The impact was NOT as a result of the normal operation of the ride. Following the incident, a Disney representative named "Brian" advised plaintiff via telephone that a report was prepared. Apparently, one of the two arms that are supposed to catch the raft failed to open properly. This is what caused the raft to strike the wall with significant force.

As a direct result of the carelessness in operating and/or maintaining the ride, plaintiff sustained serious injuries to her jaw and teeth.

SHORT TITLE: Watts v. Disneyland International	CASE NUMBER:
--	--------------

SECOND **CAUSE OF ACTION—Premises Liability** Page 5  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint  
(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): **Maria Watts**  
alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.  
On (date): **November 20, 2015** plaintiff was injured on the following premises in the following  
fashion (description of premises and circumstances of injury): **Plaintiff was injured while riding in a raft  
on the "Grizzly River Run" attraction in the California Adventure section of Disneyland.  
The ride malfunctioned causing it to slam into a wall.**

Prem.L-2.  **Count One—Negligence** The defendants who negligently owned, maintained, managed and  
operated the described premises were (names): **Disneyland International and**  
 Does 1 to 10

Prem.L-3.  **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully  
or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were  
(names):

Does \_\_\_\_\_ to \_\_\_\_\_  
Plaintiff, a recreational user, was  an invited guest  a paying guest.

Prem.L-4.  **Count Three—Dangerous Condition of Public Property** The defendants who owned public property  
on which a dangerous condition existed were (names):

Does \_\_\_\_\_ to \_\_\_\_\_  
a.  The defendant public entity had  actual  constructive notice of the existence of the  
dangerous condition in sufficient time prior to the injury to have corrected it.  
b.  The condition was created by employees of the defendant public entity.

Prem.L-5. a.  **Allegations about Other Defendants** The defendants who were the agents and employees of the  
other defendants and acted within the scope of the agency were (names):

Does 6 to 10

b.  The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are  
 described in attachment Prem.L-5.b  as follows (names):