JOHN L. BURRIS, Esq., SBN 69888 ADANTE D. POINTER, Esq. 236229 2 PATRICK M. BUELNA, Esq., SBN 317043 LAW OFFICES OF JOHN L. BURRIS 3 Airport Corporate Center 4 7677 Oakport St., Suite 1120 Oakland, CA 94621 5 (510) 839-5200 Telephone: Facsimile: (510) 839-3882 6 ASSIGNED TO John.Burris@johnburrislaw.com 7 Adante.Pointer@johnburrislaw.com JUDGE Wendy G. Getty Patrick.Buelna@johnburrislaw.com 8 FOR ALL PURPOSES Attorneys for Plaintiffs 9 \$475-CMFF383073 10 SUPERIOR COURT OF CALIFORNIA 11 **COUNTY OF SOLANO** 12 UNLIMITED JURISDICTION 13 Case No.: FCS054347 14 JAZMA WASHINGTON, an individual; S.W., S.S.W, J.S., S.J. and V.H. are minors, by and 15 through their guardian ad litem, DON 16 TAYLOR, **COMPLAINT FOR DAMAGES BATTERY** 17 Plaintiffs. **NEGLIGENCE NEGLIGENT SUPERVISION** 18 vs. FALSE IMPRISONMENT 19 NEGLIGENT INFLICTION OF SIX FLAGS ENTERTAINMENT, a **EMOTIONAL DISTRESS** corporation; and DOES 1-50, inclusive. 20 21 JURY TRIAL DEMANDED Defendants. 22 23 **INTRODUCTION** 24 1. On May 28, 2018, Plaintiff Jazma Washington took her children, her family and 25 her boyfriend to enjoy a day at Six Flags amusement park in Vallejo, California. Ms. Washington 26 27 had purchased season tickets for her kids and herself. After enjoying some of the rides, Ms. 28 COMPLAINT FOR DAMAGES -1

Washington and her children purchased food that was included with their season tickets, and there was a small dispute whether toppings on ice creams were included. After a discussion with a manager, Ms. Washington agreed to pay the extra fee for toppings. Later, Ms. Washington and her family left the park and were on their way to their car in the parking lot.

- 2. On their way to their cars, several yet-to-be-identified Six Flags employees followed them out and cornered them accusing them of not paying. Ms. Washington explained that attempted to walk away from them to go home with her children, and an employee attacked her. The employee grabbed her by the neck and threw her to ground breaking her wrist. Ms. Washington's teenage daughter attempted to intervene and the Six Flags supervisor punched her daughter in the face.
- 3. As a result, Ms. Washington and her daughter, Plaintiff S.W., were beat up by yet-to-be-identified male Six Flags employees causing serious harm and a broken wrist. Furthermore, the Doe employees beat up and choked Ms. Washington in front of her five children causing each of them serious emotional distress and suffering.

JURISDICTION

4. The unlawful acts and practices alleged herein occurred in Vallejo, Solano County, California, which is within this judicial district.

PARTIES

- 5. Plaintiff JAZMA WASHINGTON (hereinafter "Plaintiff") is a competent adult, resident of CALIFORNIA.
- 6. S.W., S.S.W, J.S., S.J. and V.H. are minors, by and through their guardian ad litem, DON TAYLOR. Plaintiff minors are the biological children of JAZMA WASHINGTON.

- 7. Defendant SIX FLAGS ENTERTAINMENT ("SIX FLAGS") is and at all times herein mentioned a corporate entity duly organized and existing under the laws of the State of California that manages and operates SIX FLAGS DISCOVERY KINGDOM at 1001 Fairgrounds Dr, Vallejo, CA 94589. Furthermore, Defendant SIX FLAGS ENTERTAINMENT is vicariously liable for all the actions of its yet-to-be-identified Doe Defendant employees.
- 8. Plaintiffs are ignorant of the true names and/or capacities of defendants sued herein and DOES 1-50, inclusive, and therefore sues said defendants by such fictitious names. Plaintiffs will amend this complaint to allege the true names and capacities when ascertained. Plaintiffs believe and allege that each of the DOE defendants is legally responsible and liable for the incident, injuries and damages hereinafter set forth. Each defendant proximately caused injuries and damages because of their negligence, breach of duty, negligent supervision, management or control, and violation of public policy. Each defendant is liable for his/her personal conduct, vicarious or imputed negligence, fault, or breach of duty, whether severally or jointly, or whether based upon agency, employment, ownership, entrustment, custody, care or control, or upon any other act or omission. Plaintiffs will ask leave to amend this complaint subject to further discovery.
- 9. In doing the acts alleged herein, Defendants, and each of them acted within the course and scope of their employment for SIX FLAGS and/or DOES 1-50.
- 10. Due to the acts and/or omissions alleged herein, Defendants, and each of them, acted as the agent, servant, and employee and/or in concert with each of said other Defendants herein.

STATEMENT OF FACTS

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- 11. On the afternoon of May 28, 2019, Plaintiff Jazma Washington took her children, Plaintiffs S.W., S.S.W, J.S., S.J. and V.H., her family and her boyfriend to enjoy a day at Six Flags amusement park in Vallejo, California. Ms. Washington had purchased season tickets for her kids and herself. After enjoying some of the rides, Ms. Washington and her children purchased food that were included with their season tickets. Ms. Washington had a short verbal dispute about whether toppings were included with the season ticket meal. After talking with a supervisor, Ms. Washington agreed to pay the extra fee for toppings. Later, Ms. Washington and her children left the park and were on their way to their car in the parking lot.
- 12. On their way to their cars, several yet-to-be-identified Six Flags employees followed them out and cornered them, namely two male employees. The employees accused her of allegedly not paying for the ice cream, which Ms. Washington explained that she had paid. Nevertheless, when Ms. Washington attempted to walk away from them to go home with her children, and an employee prevented her from leaving with force. The employee grabbed her by the neck and threw her to ground breaking her wrist. Ms. Washington's teenage daughter, minor Plaintiff S.W., attempted to intervene and the Six Flags supervisor punched Plaintiff S.W. in the face.
- 13. As a result, Ms. Washington and her daughter, Plaintiff S.W., were beat up by yet-to-be-identified male Six Flags employees causing serious harm and a broken wrist. Furthermore, the Doe employees beat up and choked Ms. Washington in front of her five Plaintiff minors S.S.W, J.S., S.J. and V.H.. Plaintiff minors watched the employees seriously injure their sister and mother causing each of them serious emotional distress and suffering.

DAMAGES

	14.	As a proximate result of Defendant and DOES' negligence, assault and battery
Plainti	ffs suffe	ered physical injury, emotional distress, anxiety, humiliation, loss of sense of
securit	y, digni	ty, and pride.

15. The conduct of Defendant and DOES 1-50, was malicious, wanton, and oppressive. Plaintiffs are therefore entitled to an award of punitive, and general damages against Defendant DOES.

CAUSES OF ACTION

FIRST CAUSE OF ACTION (Battery)

(Plaintiffs S.W. and Washington against SIX FLAGS and DOES 1-50)

- 16. Plaintiffs hereby re-allege and incorporate each and every paragraph in this Complaint as if fully set forth here.
- 17. Defendant DOES 1-50, while working as a security personnel and/or as employees for the Defendant DOES 1-50 and/or SIX FLAGS, and acting within the course and scope of their duties, intentionally choked and slammed Plaintiff Washington to the ground. Defendant DOES 1-50 also punched Plaintiff S.W. in the face.
- 18. As a result of Defendant conduct, Plaintiff suffered physical injuries and emotional distress. Defendant DOES 1-50 did not have legal justification for using any force on their paying customers who offered no harm, or even threat of harm.
- 19. As a direct and proximate result of Defendant's battery of Plaintiffs, Plaintiffs sustained injuries and damages, and is entitled to relief as set forth above.

WHEREFORE, Plaintiffs prayer for relief as hereinafter set forth.

SECOND CAUSE OF ACTION (Negligence)

(Plaintiffs S.W. and Washington against SIX FLAGS and DOES 1-50)
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20. Plaintiff hereby re-alleges an incorporates each and every paragraph in this Complaint as if fully set forth here.

- 21. At all times, Defendant DOES and Defendant SIX FLAGS owed Plaintiffs the duty to act with reasonable care including allowing them to leave the premises without battering them. Instead, Defendant DOES 1-50 attacked Plaintiffs who were lawfully leaving.
- 22. Defendants, through their acts and omissions, breached each and every one of the aforementioned duties owed to Plaintiffs.
- 23. Defendants DOES 1-50 and SIX FLAGS are vicariously liable for the wrongful acts and omissions of its employees and agents.
- 24. As a direct and proximate result of Defendants' negligence, Plaintiff sustained injuries and damages, and against each and every Defendant is entitled to relief as set forth above.

THIRD CAUSE OF ACTION

(Negligent Hiring, Supervision and/or Retaining)
(Plaintiffs Washington and S.W. against SIX FLAGS and DOES 1-50)

- 25. Plaintiff hereby re-alleges and incorporates each and every paragraph in this Complaint as if fully set forth here.
- 26. At all times, Defendants owed Plaintiffs the duty to act with reasonable care in regards to hiring, supervision and retention of employees. Defendant DOES and SIX FLAGS were aware that employees were using physical force against customers simply for alleged failure to pay without calling for law enforcement. Furthermore, the supervisors' participation in the use of force is indicative of the failure to properly supervise its employees. Therefore, Defendant DOES and SIX FLAGS had retained and reinforced the conduct of these employees.

- 27. Defendants, through their acts and omissions, breached each and every one of the aforementioned duties owed to Plaintiffs.
- 28. Defendants DOE 1-50 and SIX FLAGS are vicariously liable for the wrongful acts and omissions of its employees and agents.
- 29. As a direct and proximate result of Defendants' negligence, Plaintiff sustained injuries and damages, and against each and every Defendant is entitled to relief as set forth above.

FOURTH CAUSE OF ACTION

(Negligent Infliction of Emotional Distress)

(Plaintiffs S.S.W, J.S., S.J. and V.H. against DOES 1-25)

- 30. Plaintiffs re-allege and incorporate by reference each and every paragraph of this Complaint.
- 31. Defendants' above-described conduct and physical injuries to Plaintiff Washington and S.W. was witnessed by Plaintiffs S.S.W, J.S., S.J. and V.H. Defendants attacked Plaintiffs without legal justification and caused Plaintiffs S.S.W, J.S., S.J. and V.H., their biological sibling and/or mother, to suffer serious emotional distress. Plaintiffs S.S.W, J.S., S.J. and V.H.. are closely-related to Plaintiff Washington and S.W.. Plaintiff S.S.W, J.S., S.J. and V.H.. saw and heard Defendants' attack, choke, punch and slam to the ground their sister and mother causing Plaintiffs S.S.W, J.S., S.J. and V.H.. serious emotional distress.
- 32. In engaging in the above-described conduct, Defendants' negligence was a substantial factor in causing Plaintiffs' emotional distress.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

FIFTH CAUSE OF ACTION

(False Imprisonment/Illegal Detention)

(Plaintiffs against DOES 1-50)

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- 33. Plaintiffs re-allege and incorporate by reference each and every paragraph of this Complaint.
- 34. Defendants forcefully held Plaintiffs from leaving without just cause under false pretenses. Defendants confined Plaintiffs without their consent or a lawful basis.
- 35. As a result of the Defendants' unlawful confinement, Plaintiffs suffered emotional distress and physical injuries.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

JURY DEMAND

36. Plaintiffs hereby demand a jury trial in this action.

PRAYER

Wherefore, Plaintiffs pray for relief as follows:

- 1. For general damages in a sum to be proven at trial;
- For special damages, included but not limited to medical expenses and other special damages in a sum to be determined according to proof;
- 3. For punitive damages against Defendant DOES 1-50 in a sum according to proof;
- 4. For cost of suit herein incurred; and
- 5. For such other and future relief as the Court deems just a proper.

Dated: February 7, 2020

PATRICK M. BUELNA

LAW OFFICES OF JOHN BURRIS

Attorney for Plaintiffs

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