

IN THE CIRCUIT COURT FOR ORANGE COUNTY FLORIDA  
CASE NUMBER:

JUSTIN R. TRIPP,  
Plaintiff

v.

WALT DISNEY PARKS AND RESORTS U.S., INC.,  
Defendant

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff Justin R. Tripp sues Defendant Walt Disney Parks and Resorts U.S., inc. for damages and alleges as follows:

**FACTS COMMON TO ALL COUNTS**

1. Plaintiff Justin R. Tripp ("Tripp") is a resident of Florida.
2. Defendant Walt Disney Parks and Resorts U.S., Inc., ("Disney") is Florida corporation that is doing continuous and systematic business in Orange County, Florida, by operating the Magic Kingdom theme park.
3. Disney provides it invitees and customers different means of gaining access to the Magic Kingdom. On April 27, 2023, one such method was to provide a ferry boat from a Disney parking lot across Disney's private lake to the Magic Kingdom.
4. On April 27, 2023, plaintiff was a passenger on a Disney ferry "RICAHRD F. IRVINE" that was transporting him from the Disney parking lot to the Magic Kingdom.
5. The Disney vessel was being operated, maintained, and navigated by Disney employees. Therefore, Disney is responsible for the actions and inactions of its employees under the doctrine of respondeat superior.

6. Disney had the duty to use reasonable care when maintaining and operating its ferry boat. Disney crew members also had the duty to use the highest degree of care when operating the ferry pursuant to Florida Statute § 327.32. The duties included:
  - a. Hire employees that were qualified to operate the ferry boats;
  - b. Provide the vessel's crew with adequate training to operate the ferry;
  - c. Properly maintain the ferry boat mechanically so it can operate safely with passengers aboard her;
  - d. Make sure that the ferry boat can safely carry the passenger to the Magic Kingdom by not over-crowding the ferry;
  - e. Properly supervise the vessel's crew in their operation of the ferry;
  - f. Provide a seaworthy ferry for its passengers.
  - g. Operate the ferry at a safe speed at all times including when docking the ferry;
  - h. Keeping a proper lookout during the operation of the ferry.
  - i. Properly instruct the crew members on the applicable navigation rules of the road.
  - j. Warn the passengers of imminent dangers such as collisions that the captain and crew become aware of during the voyage.
7. On April 27, 2023, plaintiff boarded the Disney ferry and was being transported from the Disney parking lot to the Magic Kingdom entrance so he could spend the day visiting the theme park.
8. As plaintiff boarded the ferry the crew of the ferry was directing the passengers on where to sit on the ferry for the voyage from the parking lot to the Magic Kingdom.

9. On April 27, 2023, the Disney ferry was so crowded with passengers that plaintiff was not able to sit down. A Disney crew member told plaintiff that he would have to stand for the voyage to the Magic Kingdom.
10. Plaintiff was standing in the stern area of the ferry for the voyage over to the Magic Kingdom because of the over-crowding that morning.
11. On April 27, 2023, as the ferry approached the docking area of the Magic Kingdom the ferry did not slow down. The ferry struck the boat at an unsafe and high rate of speed causing passengers to be thrown about, including the plaintiff. One passenger was knocked unconscious. There was no warning given to passengers of an imminent collision with the dock.
12. Plaintiff was thrown into a steel pillar where he hit his neck and head. He eventually fell into a trash can which prevented him from possibly being thrown overboard. Plaintiff was injured during the crash of the ferry into the dock.
13. The ferry and dock sustained visible damage during the collision or crash of the ferry into the Disney dock or pier.

**COUNT ONE- NEGLIGENCE OF DISNEY**

14. Plaintiff repeats and re-alleges paragraphs one through 13.
15. Defendant Disney breached its duty to use reasonable care through the following acts of omission and commission:
  - a. Failure to maintain the ferry in a safe and operable condition;
  - b. Failure to perform the required preventative maintenance on the ferry;
  - c. Failure to properly inspect the ferry to ensure it was in a safe and seaworthy condition;

- d. Its captain and operator did not slow the ferry down when approaching the dock;
- e. Failure to warn its passengers that the ferry was going to crash into the dock;
- f. Failure to operate the ferry at a safe speed when docking in violation of navigation rule 6 (operating at a safe speed);
- g. Failure to keep a proper lookout when operating the ferry in violation of navigation rule 5 (maintaining a proper lookout);
- h. Failure to do the required preventative maintenance on the ferry and its equipment to maintain it in a safe a seaworthy condition for carrying passengers.
- i. For operating the ferry in a careless manner in violation of Florida Statute § 327.33.

16. Disney knew, or in the exercise of reasonable care should have known, of the actions and inactions that caused the allision or crash of the ferry into the dock and failed to correct such conditions.

17. As a result of Disney's negligence, throught the actions and inactions of its employees and crew, Plaintiff Tripp suffered bodily injury to his neck and head, and other parts of his body, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, Justin R. Tripp, demands judgment for damages against Defendant, Disney Parks and Resorts U.S., Inc., for compensatory damages in excess of Fifty

Thousand Dollars (\$50,000.00), prejudgment interest, post-judgment interest, and costs. Plaintiff demands a trial by jury.

**COUNT TWO- NEGLIGENCE PER SE OF DISNEY**

18. Plaintiff repeats and re-alleges paragraphs one through 13.
19. The navigation rules (rule 5- providing a lookout, and rule 6- operating at a safe speed) and Florida Statute § 327.33 (careless boating) are safety statutes which are designed to protect passengers who ride on vessels on bodies of water throughout Florida.
20. Plaintiff Tripp was a member of the class of people that the navigation rules and Florida's careless boating statute were designed to protect, i.e., people who are riding on boats as passengers in the State of Florida.
21. Defendant Disney failure to comply with the navigation safety rules and the Florida careless boating statute and therefore breached its duty to use reasonable care through the following acts of omission and commission:
  - a. Its captain and operator did not slow the ferry down when approaching the dock;
  - b. Failure to operate the ferry at a safe speed when docking in violation of navigation rule 6;
  - c. Failure to keep a proper lookout when operating the ferry in violation of navigation rule 5;
  - d. For operating the ferry in a careless manner in violation of Florida Statute § 327.33.
22. Violation of these safety rules and statutes constitutes negligence per se under Florida law.

23. Disney knew, or in the exercise of reasonable care should have known, of the actions and inactions that caused the collision or crash of the ferry into the dock and failed to correct such conditions.

24. As a result of Disney's negligence per se, through the actions and inactions of its employees and crew, Plaintiff Tripp suffered bodily injury to his neck and head, and other parts of his body, resulting pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of the ability to earn money and aggravation of a previously existing condition. The losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

WHEREFORE, Plaintiff, Justin R. Tripp, demands judgment for damages against Defendant, Disney Parks and Resorts U.S., Inc., for compensatory damages in excess of Fifty Thousand Dollars (\$50,000.00), prejudgment interest, post-judgment interest, and costs. Plaintiff demands a trial by jury.

/s/ Jacob J. Munch  
JACOB J. MUNCH  
Florida Bar Number 376523  
Email: [jake@munchandmunch.com](mailto:jake@munchandmunch.com)  
CATHERINE M. SAYLOR  
Florida Bar Number 115593  
Email: [casey@munchandmunch.com](mailto:casey@munchandmunch.com)  
MUNCH AND MUNCH, P.A.  
600 S. Magnolia Avenue – Suite 325  
Tampa, Florida 33606  
Phone: (813) 254-1557  
Fax: (813) 254-5172  
Counsel for Plaintiff Tripp

and

Pedro L. Morales, Esq.  
Florida Bar No. 0597074

1000 N. Ashley Drive, Suite 800  
Tampa, Florida 33602  
Ph: (813) 865-1000  
Fax: (813) 664-1600  
[eservice@burnetti.com](mailto:eservice@burnetti.com)  
Counsel for Plaintiff Tripp