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IN THE CIRCUIT COURT OF THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

JENNIFER SORBELLO,)
)
 Plaintiff,)
)
 vs.)
)
 CEC ENTERTAINMENT, INC. d/b/a)
 "CHUCK E. CHEESE" and WILLIAM)
 THIGPEN,)
)
 Defendants.)
)
 Serve: Corporation Service Company)
 Registered Agent of Defendant)
 CEC Entertainment, Inc.)
 221 Bolivar Street)
 Jefferson City, Missouri 65101)
)
 Defendant William Thigpen)
 720 South County Center Way)
 St. Louis, Missouri 63129)

Case No. 09SL-000191U
 Division No. _____

JURY TRIAL DEMANDED
4

PETITION

PRELIMINARY ALLEGATIONS

Comes now Plaintiff, by attorney, and states the following for her preliminary allegations against Defendants:

1. Plaintiff Jennifer Sorbello is an adult female citizen of the United States residing within the State of Missouri.
2. Defendant CEC Entertainment, Inc. (hereinafter "CEC") is a corporation duly authorized to conduct business within the State of Missouri which operates a restaurant and amusement facility at 720 South County Center Way, St. Louis, Missouri, 63129, which is located within the County of St. Louis, State of Missouri.

3. Defendant William Thigpen (hereinafter "Thigpen") is an individual residing within the State of Missouri.

4. Material events and transactions underlying Plaintiff's claims occurred within the County of St. Louis, State of Missouri.

5. This Court maintains venue and jurisdiction over Plaintiff's claims asserted herein pursuant to R.S. Mo. §§ 213.111 and 508.010.4.

COUNT I: DISCRIMINATION IN PUBLIC ACCOMMODATION

Comes now Plaintiff, by attorney, and states the following for Count I of her Petition against Defendants:

6. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 5 above as if fully set forth and restated herein.

7. On or about September 15, 2008, Plaintiff filed a timely charge with the Missouri Commission on Human Rights ("MCHR") alleging discrimination in public accommodation on the basis of her sex.

8. On or about March 2, 2009, the MCHR issued Plaintiff a Notice of Right to Sue and Plaintiff thereafter filed this action in a timely manner. See copy of Notice of Right to Sue issued by the MHCR attached hereto as "Exhibit 1."

9. Plaintiff is a "person" within the scope and meaning of R.S. Mo. § 213.010(14) and a "person within the jurisdiction of the state of Missouri" within the scope and meaning of R.S. Mo. § 213.065.1.

10. CEC's restaurant located at 720 South County Center Way, St. Louis, Missouri, 63129 is a "place of public accommodation" within the scope and meaning of R.S.Mo. § 213.010(15).

11. On August 2, 2008, Plaintiff was a patron of CEC's restaurant located at 720 South County Center Way, St. Louis, Missouri, 63129.

12. At that date and time, Thigpen was CEC's representative, employee, and agent.

13. At that time, Thigpen was costumed and disguised as CEC's title character and mascot, "Chuck E. Cheese."

14. On August 2, 2008, Thigpen touched and groped Plaintiff's breast with his hand.

15. Thereby, Defendants denied Plaintiff full and equal use and enjoyment of a place of public accommodation based on her sex and Defendants discriminated against Plaintiff in the use of a place of public accommodation based on her sex.

16. Defendants' conduct, as aforesaid, violated R.S. Mo. §§ 213.065.1 & 213.065.2.

17. As a direct result of Defendants' unlawful actions, Plaintiff has been damaged in the form of emotional distress and humiliation.

18. Defendants' actions were outrageous because of Defendants' evil motive or reckless indifference to the rights of others, and therefore entitle Plaintiff to an award of punitive damages.

WHEREFORE, on Count I of her Petition, Plaintiff prays this Court enter its order, judgment and decree awarding her:

a) relief making Plaintiff whole for the harm caused, including an order to pay her such sums as are just and reasonable as compensatory damages, including damages for emotional distress and humiliation;

b) punitive damages in such amounts as to punish and deter Defendants and others from like conduct;

c) an award of attorney's fees;

- d) costs of litigation;
- e) pre-judgment interest on all monetary sums awarded; and
- f) such other equitable and further relief as this Court deems just and proper.

COUNT II: ASSAULT

Comes now Plaintiff, by attorney, and states the following for Count II of her Petition against Defendants:

19. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 18 above as if fully set forth and restated herein.

20. Greeting patrons of the CEC's restaurant while costumed and disguised as "Chuck E. Cheese" was a task within the course and scope of Thigpen's employment.

21. While engaged in such duty, Thigpen groped Plaintiff's breast.

22. In doing so, Thigpen intended to cause Plaintiff offensive contact and / or apprehension of offensive conduct.

23. Thigpen caused Plaintiff to suffer offensive contact and to be in apprehension of offensive contact.

24. CEC holds respondeat superior liability for Thigpen's conduct, as aforesaid.

25. As a direct result of Thigpen's conduct, as aforesaid, Plaintiff has been damaged in the form of emotional distress and humiliation.

26. Defendants' actions were outrageous because of evil motive or reckless indifference to the rights of others, and therefore entitle Plaintiff to an award of punitive damages.

WHEREFORE, on Count II of her Petition, Plaintiff prays this Court enter its order, judgment and decree awarding her:

- a) relief making Plaintiff whole for the harm caused, including an order to pay her such sums as are just and reasonable as compensatory damages, including damages for emotional distress and humiliation;
- b) punitive damages in such amounts as to punish and deter Defendants and others from like conduct;
- c) costs of litigation;
- d) pre-judgment interest on all monetary sums awarded; and
- e) such other equitable and further relief as this Court deems just and proper.

COUNT III: BATTERY

Comes now Plaintiff, by attorney, and states the following for Count III of her Petition against Defendants:

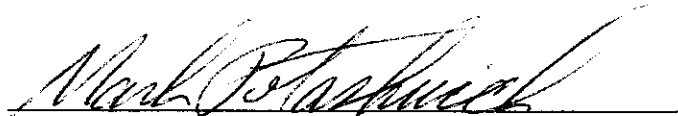
- 27. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs 1 through 26 above as if fully set forth and restated herein.
- 28. Thigpen intentionally groped Plaintiff's breast.
- 29. Thigpen thereby caused Plaintiff to suffer offensive contact.
- 30. CEC holds respondeat superior liability for Thigpen's conduct, as aforesaid.
- 31. As a direct result of Defendants' unlawful actions, Plaintiff has been damaged in the form of emotional distress and humiliation.
- 32. Defendants' actions were outrageous because of evil motive or reckless indifference to the rights of others, and therefore entitle Plaintiff to an award of punitive damages.

WHEREFORE, on Count III of her Petition, Plaintiff prays this Court enter its order, judgment and decree awarding her:

- a) relief making Plaintiff whole for the harm caused, including an order to pay her such sums as are just and reasonable as compensatory damages, including damages for emotional distress and humiliation;
- b) punitive damages in such amounts as to punish and deter Defendants and others from like conduct;
- c) costs of litigation;
- d) pre-judgment interest on all monetary sums awarded; and
- e) such other equitable and further relief as this Court deems just and proper.

Respectfully submitted,

WEINHAUS & POTASHNICK



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