

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT KANSAS CITY

RHONDA GOMEZ )  
1935 Stafford Lane )  
Independence, Missouri 64057 )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
FULL MOON PRODUCTIONS, INC., )  
 )  
Serve Registered Agent: )  
 )  
Julius M. Oswald )  
601 NW Jefferson St. )  
Blue Springs, Missouri 64014 )  
 )  
Defendant. )

Case No.  
Division:

FILED IN CIRCUIT COURT  
JACKSON CO MO-KC  
2010 FEB 10 PM 12:00

PETITION FOR DAMAGES

COMES NOW Plaintiff, by and through her attorneys, and for her cause of action against Defendant states as follows:

1. That Plaintiff at all times relevant hereto is a resident of Independence, Jackson County, Missouri currently residing at the address listed above.
2. That Defendant Full Moon Productions, Inc. is and was at all times relevant hereto a corporation registered to do business in Missouri, and is in good standing. Service may be had upon Defendant by serving the registered agent listed above.
3. That venue is proper before this Court in that the cause of action occurred in Kansas City, Jackson County, Missouri.
4. That Full Moon Productions, Inc. owned and/or operated the Edge of Hell haunted house.

5. That on or about October 2, 2009, Ms. Gomez tripped and fell on an unmarked step at the Edge of Hell haunted house.

6. That there were no signs warning of the uneven surface/step.

7. That at all times material hereto, the actions (or lack thereof) of the employee(s), servant(s), agent(s) of Full Moon Productions, Inc. were in the normal course and scope of their employment with said defendant; therefore, creating vicarious liability on the part of Full Moon Productions, Inc.

8. That on or about October 2, 2009, Ms. Gomez did not know that the floors were uneven (and that there was a step) both prior to and at the time she fell to the floor.

#### COUNT I

#### (NEGLIGENCE)

9. That Plaintiff incorporates by reference each and every allegation of paragraphs 1 through 8 as though fully pled herein.

10. That on or about October 2, 2009, customers were to walk through a pitch black hallway with dog creatures on piston-type mechanisms that would physically strike them.

11. That on or about October 2, 2009, at the end of said hallway the floor of the haunted house was uneven/there was a step

12. That the presence of an unmarked, uneven floor/step in a haunted house frequented by customers constituted a defective and dangerous condition and; therefore, was not reasonably safe for the general public, including Ms. Gomez.

13. That prior to October 2, 2009, Full Moon Productions, Inc. had actual or constructive notice of the dangerous condition.

14. That prior to October 2, 2009, Full Moon Productions, Inc. owned, controlled, managed, and/or maintained the haunted house where Ms. Gomez fell.

15. That at all times pertinent Full Moon Productions, Inc. had the right and a non-delegable duty to maintain, modify, repair, correct and/or conduct inspections of the location where Ms. Gomez was injured.

16. That Full Moon Productions, Inc. failed to use ordinary care to maintain, modify, repair, correct, inspect and/or warn the general public, including Ms. Gomez, of the defective and dangerous condition described above.

17. That Full Moon Productions, Inc. was negligent and careless in the following respects, to wit:

- (a) in failing to warn the general public, including the Ms. Gomez, of the uneven floor/step;
- (b) in failing to properly maintain and/or keep the floors in a reasonably safe condition;
- (c) in failing to adequately inspect the premises for dangerous conditions;
- (d) in failing to maintain proper protocols and procedures regarding floor maintenance, inspections, safety, and/or care;
- (e) in failing to provide adequate lighting;
- (f) in failing to properly design and/or build the area where Ms. Gomez fell;
- (g) in failing to barricade the area around the uneven floor/step, thus, creating a dangerous condition; and
- (h) in allowing mechanical creatures to physically strike customers.

18. That as a direct and proximate result of the aforementioned careless and negligent

acts and omissions on the part of Full Moon Productions, Inc., Ms. Gomez was caused serious, permanent and progressive injuries to her person, including:

- (a) her head;
- (b) her face;
- (c) her jaw;
- (d) her nose, including fracture;
- (e) her shoulders;
- (f) her wrist, including fracture;
- (g) her elbow, including dislocation; and
- (h) scarring.

19. That as a direct and proximate result of the aforementioned careless and negligent acts and omissions on the part of Full Moon Productions, Inc., Ms. Gomez has incurred substantial expenses relating to her medical care and treatment. In addition, Ms. Gomez has experienced a diminished enjoyment of life, lost income, experienced pain and suffering and will in the future continue to incur medical and other health care expenses, lost income, experience great physical pain and diminished enjoyment of life, all of which Ms. Gomez would not have otherwise incurred, lost, or experienced but for the injuries she suffered as a result of Full Moon Productions, Inc.'s negligence.

20. The above-described actions/inactions of Full Moon Productions, Inc. were willful, wanton, outrageous and demonstrated a conscious and reckless disregard for the safety of Ms. Gomez and all customers thereby permitting the recovery of punitive damages.

**WHEREFORE**, Plaintiff prays for judgment against Full Moon Productions, Inc. in such sum in excess of Twenty-five Thousand Dollars (\$25,000.00) as is fair and reasonable, for costs herein incurred and expended, and for such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

**COMES NOW** Plaintiff, by and through undersigned counsel, and request a trial by jury on all issues raised herein.

Respectfully submitted,  
**THE HORN LAW FIRM, P.C.**

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