

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JOSIAS SUAREZ, SARAHY SUAREZ,
and I.S., their minor son,

Plaintiffs,

v.

MERLIN ENTERTAINMENTS GROUP
FLORIDA, LLC, d/b/a LEGOLAND
FLORIDA RESORT,

Defendant.

**COMPLAINT
and
JURY DEMAND**

Plaintiffs, Josias Suarez, Sarahy Suarez, and I.S., their minor son (collectively, the “Suarez Family”), by and through their undersigned attorneys, file this Complaint for injunctive and declaratory relief, damages, costs, and attorneys’ fees against Defendant, Merlin Entertainments Group Florida, LLC, d/b/a LEGOLAND Florida Resort, and as good grounds state as follows:

PRELIMINARY STATEMENT

This action arises as a result of Defendant’s discriminatory actions perpetuated against the Suarez Family at the Defendant’s LEGOLAND amusement park in Winter Haven, Florida, and as a result of the discriminatory criteria that Defendant uses to determine ride eligibility for individuals who use prosthetic devices and Defendant’s refusal to modify such discriminatory criteria for the Suarez Family and their nine-year old son, I.S.

Specifically, and as laid out in further detail below, Defendant failed and intentionally refused: 1) to permit I.S. to participate in certain rides and attractions at Defendant's LEGOLAND amusement park, because of his disability; 2) to reasonably accommodate I.S.'s disability; 3) to grant the Suarez Family's request for a reasonable accommodation that would have allowed I.S. to participate in certain rides and attractions at Defendant's LEGOLAND amusement park; and 4) to establish policies and procedures whereby I.S. and other disabled individuals are properly accommodated, not singled out, and treated with dignity.

Rather than implementing safety guidelines and criteria that reflect the wide range of abilities that individuals who use prosthetic devices possess, Defendant's policies and actions reflect the textbook speculation, stereotypes, and generalizations that the Americans with Disabilities Act ("ADA") and Florida Civil Rights Act ("FCRA") were specifically created to combat. In 2018, there is simply no excuse for a large amusement park to promulgate and enforce such discriminatory and exclusionary policies. Individuals who use prosthetic devices climb mountains, compete in competitive sports, and otherwise excel at an incredibly broad and diverse array of physical activities. Defendant's policies and procedures serve to exclude all of these talented and amazing individuals from being able to enjoy most of the rides and attractions at Defendant's LEGOLAND amusement park. The obvious discriminatory nature of Defendant's policies and procedures is illustrated by the fact that unlike many of the other major amusement parks, which cater to a wide range of ages and often include many large roller coasters, LEGOLAND's rides are almost exclusively geared towards children and therefore tend to be significantly more benign in their designs.

Defendant has violated Title III of the ADA and the FCRA by imposing discriminatory eligibility requirements, 42 U.S.C. § 12182(b)(2)(A)(i) ("Improper Criteria Discrimination");

and failing to make reasonable modifications in policies, practices, or procedures when such modifications were necessary to allow the Suarez Family the opportunity to enjoy Defendant's goods, services, facilities, privileges, and advantages, 42 U.S.C. § 12182(b)(2)(A)(ii), ("Failure-to-Modify Discrimination"). The aforementioned discrimination has caused the Suarez Family great emotional distress, insult, anger, sadness, humiliation and shame.

JURISDICTION AND VENUE

1. Plaintiffs' claims for relief are predicated, in part, on Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182, *et seq.*, and 42 U.S.C. § 12205, which authorizes injunctive relief and the award of attorneys' fees and costs to a prevailing plaintiff in actions brought pursuant to Title III of the Americans with Disabilities Act, 42 U.S.C. § 12182, *et seq.*, and on the Florida Civil Rights Act, which authorizes declaratory and injunctive relief, damages, and an award of attorneys' fees and costs to a prevailing plaintiff.

2. Plaintiffs also seek declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiffs seek preliminary and permanent injunctive relief pursuant to Rule 65, Federal Rules of Civil Procedure.

3. Plaintiffs invoke the supplemental jurisdiction of this Court, pursuant to 28 U.S.C. § 1367, to consider the Florida Civil Rights Act claims alleged herein. Plaintiffs have complied with the exhaustion requirements of the Florida Civil Rights Act.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and 1391(c) in that the events and/or omissions giving rise to the claims herein occurred in this district, the Defendant conducts business in this district, and Defendant's LEGOLAND amusement park is located in this district.

PARTIES

5. I.S. is a nine-year old adolescent who suffers from a qualifying disability under federal and state law. I.S. is a bilateral amputee, and as a result, his major life activity of walking, among others, is substantially limited.

6. Josias and Sarahy are I.S.'s parents and accompanied him to Defendant's LEGOLAND amusement park when they were subjected to Defendant's discriminatory acts. As a result of Defendant's discriminatory acts Josias and Sarahy were subjected to emotional distress and denied the opportunity to enjoy rides and amusements at Defendant's LEGOLAND amusement park with their son I.S.

7. Defendant LEGOLAND operates the LEGOLAND amusement park, which is a public accommodation subject to the ADA and the FCRA, and at all relevant times engaged in unlawful disability discrimination against the Suarez Family.

FACTUAL ALLEGATIONS

I.S. and His Use of Prosthetics

8. I.S. was born without fibulas in both of his legs and half a tibia in his left leg; as a result, I.S. was forced to undergo through-knee amputations on both of his legs when he was only one-year old.

9. In a through-knee amputation, also known as a knee disarticulation, the amputation is performed between bone surfaces, rather than cutting through bone. The advantages of such an amputation are numerous: the residual limb can tolerate a meaningful amount of end weight bearing, and the individual retains a full-length femur for lower-body strength and stability. Through-knee amputations are particularly advantageous for children such as I.S., because the growth plates at both the top and bottom of the femur are preserved.

10. As a result of his amputations, I.S. typically wears a prosthetic device on each leg, depending on the activity that he is engaged in. On most days and for most activities - including when riding the land-based attractions at LEGOLAND's main park - I.S. wears his full-length prosthetic legs. When I.S. is wearing his full-length prosthetic legs, he measures 56 inches tall.

11. At certain other times – such as when riding the water-based attractions at LEGOLAND's water park – I.S. wears foreshortened prosthetic devices, also known as “Stubbies.” When I.S. is wearing his Stubbies, he measures 42 inches tall.

12. Finally, I.S. is also able to ambulate without the use of any prosthetic devices; at these times, he measures 39 inches tall.

13. A true inspiration, I.S. refuses to let his disability define him. An outgoing, friendly and determined child who always tries everything at least once, I.S. loves to play sports, including baseball, soccer and flag football, and enjoys going camping, hiking, and playing with his friends.

I.S.'s and the Suarez Family's Experiences at Defendant's LEGOLAND Amusement Park

14. In August 2016, the Suarez Family moved to Polk County, Florida, and was elated to be living a short drive from Defendant's LEGOLAND amusement park.

15. Shortly after moving to the area, on August 27, 2016, the Suarez Family decided to visit Defendant's LEGOLAND amusement park. They had visited the park during a prior visit to family members who live in the area, and were able to participate in all the rides and attractions they wanted to on that day.

16. Upon their arrival on August 27, 2016, the Suarez Family went to the amusement park's Customer Service office before exploring the park, to inform Defendant that I.S. has two prosthetics from the knee down, and to inquire whether there would be any limitations placed on

his ability to participate in any rides and attractions at the amusement park as a result. The Customer Service office gave I.S. a Hero Pass, which is issued to “those who may have difficulty waiting in line,” and provided the Suarez Family with a map of the park with two rides crossed off, as an indication of Defendant’s determination that only those two rides could not be ridden safely by I.S., because of his disability.

17. Hero Pass in hand, the Suarez Family embarked on what they hoped would be an amazing and magical day at Defendant’s LEGOLAND amusement park. This hope quickly evaporated, however, after the Suarez Family attempted to ride The Dragon, one of the roller coasters at the amusement park that the Defendant’s customer service office had indicated would be appropriate for I.S. and the Suarez Family to ride.

18. When the Suarez Family first arrived at The Dragon, they were initially permitted to board and sit in the ride. After a lengthy delay, however, Defendant’s ride operator approached I.S. personally and told him that he alone could not ride The Dragon because he did not have “one natural leg.”

19. As a result, I.S. was pulled off the ride by Defendant’s agent and denied access. All of this took place in front of a large number of other families and individuals, making I.S. and the Suarez Family feel singled out and humiliated.

20. Saddened and upset, the Suarez Family went back to Defendant’s Customer Service office and informed them what took place. Defendant’s agent apologized, said that I.S. should have been permitted to ride The Dragon, and assured the Suarez Family that they would take care of it so that they would not have any further problems during their visit.

21. The Suarez Family went back into the park, and began to enjoy their day. They enjoyed various attractions with no problems and were happy. But, all of that changed when

they attempted to ride another roller coaster that the Defendant's Customer Service office had indicated would be appropriate for I.S. to ride.

22. Again, without any compassion, discussion, or individualized analysis, Defendant's ride operator prohibited I.S. from riding, and stated that I.S. could not ride without "one real leg."

23. Despondent and confused, I.S. looked to his parents and asked what the ride operator was talking about. While I.S. does have two prosthetics from the knees down, he views them as his own "real" and "natural" legs, and to hear otherwise was confusing, offensive and upsetting to I.S. His parents tried to explain, but the explanation only further confused and upset I.S. Sad, and in tears, I.S. walked past the happy park-goers waiting to ride, again feeling singled out, humiliated, and upset.

24. Too upset to continue their visit to the park, the Suarez Family returned to the Defendant's Customer Service office, where they again apologized, insisted that they ensure that I.S. and other individuals with disabilities would be accommodated, and offered the Suarez Family free season passes.

25. Unfortunately, this outing was only the first of many visits by the Suarez Family to the LEGOLAND Amusement Park in which nearly identical situations occurred. During these subsequent visits, I.S. and the Suarez Family were at times told that I.S. could ride certain attractions, and at other times denied entry to those same attractions, seemingly at random but always due to I.S.'s disability, leaving I.S. and the Suarez Family upset, confused, and unsure of what attractions I.S. could participate in.

26. During these subsequent visits, I.S. and the Suarez Family again would often be allowed to wait in line for an attraction and even permitted to initially board the ride, only to be

approached by one or more of Defendant's agents – often after a lengthy delay and in front of an increasingly impatient group of LEGOLAND patrons – and told that I.S. alone would have to disembark the ride because of his lack of a “real” or “natural” leg. These incidents left I.S. and the Suarez Family despondent, insulted, humiliated, and confused.

27. As an example of such arbitrary and discriminatory treatment, during some visits I.S. was permitted to ride The Dragon; during other visits he was banned. During some visits I.S. was permitted to ride the Coastersaurus and Project X; during other visits he was banned. During some visits I.S. was permitted to ride all the rides he wanted to ride; during other visits he was banned from nearly every ride or attraction in which he wanted to participate.

28. During one trip in March 2017, I.S. was even refused access to various water playgrounds where infants and toddlers were permitted; the explanation given by Defendant's agents was that I.S. was not allowed to participate because he did not have “three fully developed limbs.” At this point, I.S.'s mother, Sarahy, could not take it any more, and broke down crying in front of everyone, including her son.

29. The Suarez Family has made every reasonable effort to resolve these issues with Defendant. After each of the humiliating and upsetting incidents described above, I.S. and the Suarez Family would attempt to resolve their issues with Defendant's Customer Service staff, only to then have I.S. and the Suarez Family exposed to further pain and humiliation when the Suarez Family would again attempt to experience the attractions at LEGOLAND only to be repeatedly singled out, embarrassed, and denied access. But, instead of revising its policies and procedures, and training its staff, Defendant instead continues to engage in unlawful discrimination by denying I.S. access to rides and attractions in which he has a legal right to

participate and persists in failing and/or refusing to accommodate I.S.'s disability, humiliating the Suarez Family and causing them significant emotional distress.

Defendant LEGOLAND's Discriminatory Eligibility Criteria

30. As shameful and disturbing as I.S.'s and the Suarez Family's experiences were, they were unfortunately unsurprising in light of Defendant's shamefully outdated and blatantly discriminatory eligibility criteria.

31. Like most amusement parks, Defendant's LEGOLAND amusement park has certain ability-based safety and eligibility criteria that any individual must satisfy in order to experience LEGOLAND's rides and attractions. These criteria are equally applicable to all individuals who wish to ride attractions at LEGOLAND, and apply irrespective of that individual's use of prosthetic devices. At LEGOLAND, Defendant has established the acronym "HUGS" to "assist with understanding the four basic requirements to experience most attractions:"¹

- HEAD UPRIGHT – this means that the Guest must have sufficient muscle control to support their head, neck, and upper torso in a standard forward-looking position during the movement of the ride vehicle, without support from another person or brace.
- UNASSISTED – the Guest must independently maintain oneself in an upright position while seated, without the aid of other people or devices. This includes keeping the proper riding posture during bumping or other movement characteristics of the ride. Certain attractions, such as the Grand Carousel, Mia's Riding Adventure and The Royal Joust, may require the ability to form a saddle posture.
- GRASP THE LAP-BAR – the Guest must have at least one upper extremity (arm) or prosthesis exhibiting good grip control, with the ability to brace themselves while allowing the Guest to maintain proper riding position throughout the duration of the ride.

¹ See LEGOLAND's Guest's with Disabilities Guide, at: <https://endpoint910861.azureedge.net/globalassets/florida/pdfs/disabilities-guide/uvid-4a9a66/disabilities-guide-10.19.pdf>.

- SUDDEN AND DRAMATIC MOVEMENT – the Guest must have sufficient awareness of the nature of the ride and the ability to sit upright and hold onto the restraint mechanism and/or brace during the dynamic motion of the ride.

32. Pursuant to these ability-based safety and eligibility criteria, I.S. would be able to experience every attraction at LEGOLAND for which he meets the height requirements, as developed by the manufacturer of each respective ride. According to Defendant's Guests with Disabilities Guide, the tallest unaccompanied height restriction for an attraction at LEGOLAND's main park is 48 inches. As noted earlier, I.S., while wearing his full-length prosthetics, measures 56 inches tall. As such, pursuant to Defendant's ability-based safety and eligibility criteria, I.S. should be allowed to experience and participate in every ride and attraction at LEGOLAND's main park.

33. Unfortunately, Defendant has also developed additional restrictions for each of their attractions that apply solely to individuals who use prosthetic devices. Upon information and belief, these restrictions do not originate from the manufacturer of each respective ride and/or attraction, and instead appear to have been created by Defendant and based on nothing other than speculation, stereotypes, and generalizations about individuals who use prosthetic devices.

34. As a result of these discriminatory restrictions, applicable only to I.S. and other individuals who use prosthetic devices, I.S. is not permitted to participate in 14 of the 28 rides and/or attractions at LEGOLAND's main park, as well as 4 of the 6 rides and/or attractions at LEGOLAND's water park, each of which I.S. would otherwise be eligible to ride pursuant to Defendant's ability-based safety and eligibility criteria (HUGS).

35. The rides and/or attractions that Defendant's policies deny I.S. access to, due solely to Defendant's restrictions based on the use of prosthetic devices, as well as the restrictions themselves as detailed in Defendant's Guests with Disabilities Guide, are as follows:

LEGOLAND'S MAIN PARK

- Lost Kingdom Adventure (30 in. height requirement) – Prosthetic Restrictions – Guests must have one natural leg to the end of the knee cap and one natural arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.
- LEGO® City Fire Rescue Academy (34 in. height requirement) – Prosthetic Restriction - Guests must have two natural legs to the end of the knee cap and one natural arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.
- Royal Joust (36 in. height requirement) – Prosthetic Restrictions – Guests must have two natural legs to the end of the knee cap and one natural arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.
- Merlin's Challenge (36 in. height requirement) – Prosthetic Restrictions – Guests must have two natural legs to the end of the knee cap and one natural arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.
- Beetle Bounce (36 in. height requirement) – Prosthetic Restrictions – Guests must have two natural legs to the end of the knee cap and one natural arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.
- Technicycle (36 in. height requirement) – Prosthetic Restrictions – Guests must have two natural legs to the end of the knee cap. Guests must have one natural arm that can continuously grasp.
- Kid Power Towers (38 in. height requirement) – Prosthetic Restrictions – Guests must have two natural legs to the end of the knee cap and one natural arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.
- The Dragon (40 in. height requirement) – Prosthetic Restrictions – Guests must have one natural leg to the end of the knee cap, and one fully constructed natural or prosthetic leg. Guests must have one natural or prosthetic arm that can continuously grasp.
- Coastersaurus (42 in. height requirement) - Prosthetic Restrictions – Guests must have one natural leg to the end of the knee cap, and one fully constructed natural or prosthetic leg. Guests must have one natural or prosthetic arm that can continuously grasp.

- Project X (42 in. height requirement) - Prosthetic Restrictions – Guests must have one natural leg to the end of the knee cap, and one fully constructed natural or prosthetic leg. Guests must have one arm that can continuously grasp.
- The Great LEGO® Race (Non-VR) (42 in. height requirement) – Prosthetic Restrictions – Guests must have one natural leg to the end of the knee cap, and one fully constructed natural or prosthetic leg. Guests must have one natural or prosthetic arm that can continuously grasp.
- Flying School (44 in. height requirement) – Prosthetic Restrictions – Guests must have two natural complete legs, and one natural or prosthetic arm that can continuously grasp. Prosthetics must be securely fastened or removed and stored.

Mia's Riding Adventure (48 in. height requirement) – Prosthetic Restrictions - Guests must have two natural complete legs, and one natural or prosthetic arm that can continuously grasp the bar.

- The Great LEGO® Race (VR) (48 in. height requirement) – Prosthetic Restrictions – Guests must have one natural leg to the end of the knee cap, and one fully constructed natural or prosthetic leg. Guests must have one natural or prosthetic arm that can continuously grasp.

LEGOLAND'S WATER PARK²

- Duplo Splash Safari (no height requirement) – Prosthetic Restrictions – Prosthetics are not permitted on the slides.
- Joker Soaker (36 in. height requirement) – Prosthetic Restrictions – Guests must possess at least three (3) naturally fully formed and functioning extremities absent of prosthetic devices. Prosthetics are not permitted on the slides.
- Twin Chasers (42 in. height requirement) – Prosthetic Restrictions – Prosthetics are not permitted on the slides.
- Splash Out (48 in. height requirement) – Prosthetic Restrictions – Guests must possess at least three (3) naturally fully formed and functioning extremities absent of prosthetic devices. Prosthetics are not permitted on the slides.

² Upon information and belief, and as with the LEGOLAND main park rides described above, the manufacturer recommendations for each of the above listed rides at LEGOLAND's water park do not include any specific restrictions regarding the use of prosthetic devices, and only restrict the existence of metal on any individual rider's attire. As noted above, I.S. wears his "stubbies" when riding on attractions at LEGOLAND's water park. Upon information and belief, as these specially made prosthetic devices are made of plastic, and not metal, they do not violate the manufacturer's recommendations.

Other, Similar Amusement Parks Demonstrate That LEGOLAND's Restrictive and Discriminatory Guidelines are Entirely Unnecessary

36. A true lover of amusement parks, the Suarez Family has taken I.S. on trips to Carowinds Amusement Park in Charlotte, North Carolina, as well as Walt Disney World Resort and SeaWorld in Orlando, Florida, in the years prior to the Suarez Family's initial visit to LEGOLAND. During those trips, the staff members at the respective parks treated both I.S. and the entire Suarez Family with nothing but dignity and respect.

37. At Walt Disney World Resort in Orlando, I.S. was never even asked about his prosthetic devices, and was able to participate in every attraction and ride every roller coaster for which he met the height and ability-based requirements. Similarly, at SeaWorld Orlando, harnesses were provided in order to accommodate individuals with varying degrees of limb loss, while at Carowinds Amusement Park in Charlotte, North Carolina, I.S. had been able to ride nearly identical waterslides to those for which he refused access at LEGOLAND, without being repeatedly singled out and humiliated.

38. Any argument that Defendant's restrictive eligibility criteria – which apply solely to individuals who use prosthetic devices – are based on actual risks and are necessary for safe operation of the respective rides and/or attractions listed above is contradicted by the fact that such restrictive and discriminatory guidelines are not required for the safe operation of significantly larger and faster rides and/or attractions at similar amusement parks also located within Florida.

Universal Studios Florida and Universal's Islands of Adventure

39. Like Defendant's LEGOLAND amusement park, Universal Studios Florida and Universal's Islands of Adventure (collectively, "Universal") have also developed certain ability-based safety and eligibility criteria that an individual must satisfy in order to experience

Universal's rides and attractions. These criteria are equally applicable to all individuals who wish to ride attractions at Universal, and apply irrespective of that individual's use of prosthetic devices.

40. Similar to Defendant's HUGS system, Universal's basic guidelines state that an individual must be able to: (1) continuously grasp with at least one upper extremity (which may be a prosthesis); (2) independently maintain oneself in an upright position while seated; (3) independently absorb sudden and dramatic movements of the attraction which may include spinning, turning, accelerating, stopping, climbing, etc.; and (4) possess sufficient upper body strength to independently support ones torso, neck and head during the movement of the ride.

41. Unlike Defendant, however, Universal does not then additionally deny participation to half of its rides and/or attractions based solely on speculation, stereotypes, and generalizations about individuals who use prosthetic devices. Instead, Universal allows the ability-based safety and eligibility criteria listed above to determine access to nearly all of the rides and/or attractions, without additional consideration of the existence, length, or number of prosthetic devices, stating only that "any guests with prosthetic arms or hands will be required to ensure the limb is properly attached and able to grasp the ride restraint" and that "guests should properly secure all prosthetic limbs before riding the following attractions to prevent hazards or loss due to ride forces."

42. As a result, Universal's reasonable, ability-based safety and eligibility criteria would allow I.S. to participate in nearly all of Universal's rides and/or attractions while wearing his full-length prosthetics, including the following rides that are exceedingly more robust than any of the rides at LEGOLAND:

- The Incredible Hulk Coaster (54 in. height requirement) – A high-speed roller coaster ride that includes sudden and dramatic acceleration in which riders are launched upwards of 150 feet and reach a top seed of 67 mph before undergoing seven complete inversions and two subterranean trenches. A photograph of this attraction is shown below.
Prosthetic Restrictions – None.
- Dr. Doom’s Fearfall (52 in. height requirement) – A high-speed, free-fall experience that incudes sudden and intense acceleration, climbing and dropping, including a 185 foot climb and an initial launch that uses more thrust than a 747 jet.
Prosthetic Restrictions – None.

THE INCREDIBLE HULK COASTER AT
UNIVERSAL’S ISLANDS OF ADVENTURE
I.S. is PERMITTED to Ride



LOST KINGDOM ADVENTURE AT
LEGOLAND FLORIDA
I.S. is PROHIBITED from Riding



SeaWorld Orlando

43. Similarly, SeaWorld Orlando (“SeaWorld”) also utilizes certain ability-based safety and eligibility criteria that an individual must satisfy in order to experience SeaWorld’s rides and attractions. Like Universal’s basic guidelines described above, these criteria are equally applicable to all individuals who wish to ride attractions at SeaWorld, and apply irrespective of that individual’s use of prosthetic devices.

44. SeaWorld's basic guidelines state that an individual must be able to: (1) maintain the proper riding position throughout the ride and brace themselves upright in their seat, keeping their head upright and their back against the seatback; (2) use the restraint device properly and be able to hold on tight and keep their hands, arms, legs, and feet down and inside the ride at all times; and (3) demonstrate a willingness and ability to comply with verbal and written rider requirements.³

45. Like Universal, and contrary to Defendant's discriminatory guidelines, SeaWorld also does not find it necessary to then additionally deny participation to half of its rides and/or attractions based solely on speculation, stereotypes, and generalizations about individuals who use prosthetic devices. Instead, SeaWorld allows the ability-based safety and eligibility criteria listed above to determine access to 15 of its 18 rides, without additional consideration of the existence, length, or number of prosthetic devices. Further, even for those three rides for which prosthetic legs are not permitted, SeaWorld's guidelines state that such individuals may still be able to experience the attraction by utilizing special harnesses that SeaWorld uses specifically to accommodate such individuals.

46. As a result, SeaWorld's reasonable, ability-based safety and eligibility criteria would allow I.S. to participate in nearly all of SeaWorld's rides and/or attractions while wearing his full-length prosthetic legs.

³ See SeaWorld Orlando Accessibility Guide, at: https://seaworld.scdn3.secure.raxcdn.com/orlando/-/media/seaworld-orlando/files/pdf/seaworld_orlando_accessibility_guide.ashx?version=1_201702222855&la=en&hash=42D1FD216666C72B30879BBCFF7CC9FE5DAD9A63&hash=42D1FD216666C72B30879BBCFF7CC9FE5DAD9A63.

Impact of Defendant's Discriminatory Actions and Guidelines on I.S. and the Suarez Family

47. The Suarez Family was distressed, insulted, angry, despondent, and humiliated that Defendant was discriminating against them and their son in blatant disregard for the Americans with Disabilities Act and the Florida Civil Rights Act.

48. As parents of a child who has used prosthetic devices since he was one year old – and as a child who has used prosthetic devices nearly his entire life – the Suarez Family and I.S. are particularly sensitive to discriminatory practices, having been the victim of discrimination throughout I.S.'s life.

49. The Suarez Family was and is distressed, insulted, angry, despondent, and humiliated that Defendant, despite its role as a significant provider of family entertainment, continues to engage in such discriminatory practices, which have the impact of excluding individuals with prosthetic devices from being able to enjoy most of the rides and attractions at Defendant's LEGOLAND amusement park.

50. As result of Defendant's discriminatory actions, the Suarez Family has lost sleep, cried, and spent countless hours discussing, thinking, and stressing over the discrimination they have been subjected to and that they fear that they will be subjected to if they return to Defendant's LEGOLAND amusement park.

51. The Suarez Family has spent a significant amount of time thinking about the discriminatory restrictions, policies, and incidents described herein, as well as other individuals with prosthetic devices that were and are excluded from being able to enjoy most of the rides and attractions at Defendant's LEGOLAND amusement park due to their disabilities, and has felt the aforementioned emotions.

52. Defendant's unlawful conduct proximately caused the Suarez Family to suffer the aforementioned emotions, which have manifested into stress, insult, anger and feelings of indignity, hopelessness and anxiety.

53. The Suarez Family continues to live in Polk County, Florida, and would have a sincere and significant interest in returning to Defendant's LEGOLAND amusement park, if not for the discriminatory restrictions, policies, and actions described herein.

COUNT 1:
VIOLATIONS OF THE
AMERICANS WITH DISABILITIES ACT AND
THE FLORIDA CIVIL RIGHTS ACT

54. The Suarez Family repeat and reallege paragraphs 1 through 53 as if fully set forth herein.

55. I.S. is disabled; Defendant operates a place of public accommodation; Defendant (i) imposed eligibility criteria that tended to screen out I.S.; and (ii) failed to make reasonable modifications in policies, practices, or procedures, which were necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to I.S.

56. As such, Defendant has violated the FCRA and Title III of the ADA by imposing discriminatory eligibility requirements, 42 U.S.C. § 12182(b)(2)(A)(i); and by failing and refusing to make reasonable modifications in policies, practices, or procedures when such modifications were necessary to allow the Suarez Family the opportunity to enjoy LEGOLAND amusement park, 42 U.S.C. § 12182(b)(2)(A)(ii).

57. The Suarez Family alerted Defendant, its employees and agents, that Defendant's eligibility criteria were discriminatory; I.S. needed a modification to such criteria; and I.S.'s need for a modification was obvious.

58. As such, Defendant, its employees and agents, knew and/or should have known that Defendant's eligibility criteria tended to discriminatorily screen out I.S. and knew of I.S.'s need for a reasonable modification to Defendant's eligibility criteria.

59. The use of non-discriminatory eligibility criteria, or the making of modifications to existing criteria, would not fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation offered by Defendant.

60. Defendant acknowledged that its agents and employees were authorized to act for Defendant when they committed the ADA and FCRA violations alleged herein. Defendant's agents and employees accepted the undertaking of acting on behalf of Defendant when they committed the ADA and FCRA violations alleged herein. Defendant had control over its agents and employees when they committed the ADA and FCRA violations alleged herein.

61. The ADA and FCRA violations alleged herein and committed by Defendant's agents and employees, were done while acting within the course and scope of their employ and/or agency with Defendant. Thus, Defendant is vicariously liable for the actions of its agents and employees when they committed the ADA and FCRA violations alleged herein.

62. A discriminatory purpose, not any legitimate reason, was a motivating factor behind Defendant's aforementioned discriminatory actions and/or omissions.

63. As a result of Defendant's discriminatory conduct - committed despite being aware and after having been put on notice that its criteria and refusal to modify were discriminatorily impacting the Suarez Family – the Suarez Family has suffered, is continuing to suffer, and will in the future suffer irreparable loss and injury and a real and immediate threat of future discrimination by Defendant.

64. Defendant's unlawful conduct caused the Suarez Family's damages as described above.

WHEREFORE, Plaintiff respectfully requests that the Court:

- A. assume jurisdiction over this matter;
- B. declare the actions, omissions, policies, and procedures of Defendant complained of herein to be in violation of the Americans with Disabilities Act and the Florida Civil Rights Act;
- C. enter a permanent injunction enjoining Defendant, its successors, and its servants, agents and employees, and all those acting in concert with it, from engaging in discrimination based on disability;
- D. enter a permanent injunction compelling Defendant, its successors, and their servants, agents and employees, to adopt policies, procedures and practices which will ensure that they refrain from discrimination based on disability;
- E. enter a permanent injunction compelling Defendant, its successors, and their servants, agents and employees, to participate in disability discrimination training;
- F. award compensatory damages to the Suarez Family against Defendant, pursuant to the Florida Civil Rights Act;
- G. award the Suarez Family their costs and reasonable attorneys' fees in this action;
- H. enter a judgment in favor of the Suarez Family for the total amount of their damages, plus pre-judgment interest, pursuant to the Florida Civil Rights Act; and
- I. award the Suarez Family such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b), Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues so triable in this matter.

Respectfully submitted,

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