

In THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION

MEIBEL SABOYA DIAZ,

Plaintiff,

vs.

CASE NO.: 2023-CA-000499

SEAWORLD PARKS &
ENTERTAINMENT LLC, D/B/A
BUSCH GARDENS,

DIVISION: E

Defendant.

DEFENDANT SEAWORLD PARKS & ENTERTAINMENT LLC'S
RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION

Defendant SeaWorld Parks & Entertainment LLC ("SeaWorld") makes the following responses to Plaintiff's First Request for Production served March 31, 2023.

REQUEST FOR PRODUCTION NO. 1:

Any and all statements of the Plaintiff taken and or in the possession of the defendant.

RESPONSE:

SeaWorld will produce the Guest Incident Report documenting Ms. Saboya Diaz's report of the subject accident, which was signed by a member of her party, and the Patient Care Report regarding the first aid assistance provided to Plaintiff and statements she made at the scene.

Otherwise, none.

REQUEST FOR PRODUCTION NO. 2:

Any and all photographs, films, movies, video-tapes or other pictures of the Plaintiff, the injury scene and the subject premises (on the walkway near the SkeiKra ride) at Defendant's premises on November 2, 2019 and any date thereafter.

RESPONSE:

SeaWorld will produce the surveillance video capturing the subject accident after completion of Plaintiff's deposition. *See Dodson v. Persell*, 390 So. 2d 704 (Fla. 1980) and *McClure v. Publix Super Markets, Inc.*, 124 So. 3d 998 (Fla. 4th DCA 2013). Beyond this, SeaWorld objects to this request because it is vague, ambiguous, overbroad, not reasonably limited in time, not limited to the location of the subject accident and asks for information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Due to the overbreadth, vagueness and ambiguity, SeaWorld cannot determine if this request is asking for information that is protected from disclosure by the work product doctrine and, therefore, it also objects on those grounds.

REQUEST FOR PRODUCTION NO. 3:

Any and all insurance policies (in full and certified under oath in accordance with the law) that may provide coverage to you for the facts and circumstances alleged in the complaint. This request includes but is not limited to any and all addenda, riders, amendments, conditions thereto, as well as any and all declaration sheets or pages.

RESPONSE:

SeaWorld has insurance coverage with a \$1 million self-insured retention. Beyond this, SeaWorld objects to this request because it seeks information that is confidential and proprietary and asks for information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 4:

Any and all written or recorded statements made by any witness, defendant, and employee or agent of Defendant, in reference to the subject incident or in reference to the injuries received as a result of the subject incident.

RESPONSE:

SeaWorld will produce the Guest Incident Report documenting Ms. Saboya Diaz's report of the subject accident, which was signed by a member of her party, and the Patient Care Report regarding the first aid assistance provided to Plaintiff and statements she made at the scene. See SeaWorld's Privilege Log. Beyond this, SeaWorld objects to this request because it is vague, ambiguous, overbroad, unduly burdensome, asks for information that is protected from disclosure by the work product doctrine and asks for information that is not reasonably calculated to lead to the discovery of admissible evidence. Due to the overbreadth, vagueness and ambiguity, SeaWorld cannot determine if this request is asking for information that is protected from disclosure by the attorney client privilege and, therefore, it also objects on those grounds.

REQUEST FOR PRODUCTION NO. 5:

Any and all contracts between the defendants and any company or person responsible for operating, securing or maintaining a slip resistant surface for defendant near the SkeiKra ride where Plaintiff is alleged to have fallen, as such contracts existed between November 2, 2017 and November 2, 2019.

RESPONSE:

None.

REQUEST FOR PRODUCTION NO. 6:

Copies of any and all lawsuits filed against you for alleged personal injuries or negligence specifically relating to the Plaintiff falling on the walkway near the SkeiKra ride.

RESPONSE:

SeaWorld is not aware of any lawsuits filed against it in the three years before the subject accident arising from substantially similar allegations as those made by Plaintiff herein. Beyond this, SeaWorld objects to this request because it is vague, ambiguous, overbroad, unduly burdensome, confusing, not limited in scope, not limited in time, not limited to the location of the

subject alleged accident, not limited to substantially similar incidents, not limited to substantially similar injuries, assumes disputed facts, asks for information that is a matter of public record and asks for information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. To the extent this request is asking for information after the date of the subject alleged accident, SeaWorld further objects because the request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 7:

Any and all incident reports, photographs, video tapes, audio tapes, diagrams, illustrations, reproductions, witness statements, memoranda, forms, notes, correspondence, and any and all other documents which describe, refer to or depict any person and or Plaintiff falling on the walkway near the SkeiKra ride, and which occurred within three years before the subject incident and through the present date as of the time Defendant responds to this request.

RESPONSE:

SeaWorld objects to this request because it is vague, ambiguous, overbroad, unduly burdensome, confusing, not limited in scope, not reasonably limited in time, not limited to the location of the subject alleged accident, not limited to substantially similar incidents, not limited to substantially similar injuries, asks for information that may violate the Health Insurance Portability and Accountability Act (HIPAA), asks for information that violates the privacy rights of individuals who are not parties to this lawsuit, asks for information that may violate the privacy rights of minors and asks for information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Due to the overbreadth, vagueness and ambiguity, SeaWorld cannot determine if this request is asking for information that is protected from disclosure by the attorney client privilege or the work product doctrine and, therefore, it also objects on those grounds. To the extent this request is asking for information after the date of the

subject alleged accident, SeaWorld further objects because the request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 8:

Any and all records, logs, diaries, calendars, work orders, invoices, receipts and any and all other documents which describe or refer to any cleaning or maintenance to the walkway near the SheiKra ride, in or around the area where the Plaintiff fell, and which were generated or received at any time within three years before the subject incident and to the present date.

RESPONSE:

SeaWorld will produce the relevant portions of the Stanleyville Park Quality Standard Operating Procedures in effect on the date of the subject alleged accident subject to the entry of an appropriate protective order. SeaWorld is not aware of any work orders or invoices related to maintenance to the walkway surface in the location of the subject accident in the one year period of time before the accident. Beyond this, SeaWorld objects to this request because it is vague, ambiguous, overbroad, unduly burdensome, not limited in scope, not reasonably limited in time, not limited to the location of the subject alleged accident, asks for information that is confidential and proprietary and asks for information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Due to the overbreadth, vagueness and ambiguity, SeaWorld cannot determine if this request is asking for information that is protected from disclosure by the attorney client privilege or the work product doctrine and, therefore, it also objects on those grounds. To the extent this request is asking for information after the date of the subject alleged accident, SeaWorld further objects because the request is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 9:

Any and all manuals, employee handbooks, brochures, training videos, and literature which describes or refers to rules, regulations, or policies of the Defendant in regard to Defendant or its

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