

CAUSE NO. A150310-C

JANE DOE,
Plaintiff,

VS.

SEAWORLD PARKS & ENTERTAINMENT, INC.
d/b/a SEAWORLD PARKS, INC., ORLANDO
SENTINEL COMMUNICATIONS COMPANY, INC.,
d/b/a ORLANDO SENTINEL, AWESOME OCEAN,
JIMMY VERA and BRIDGET DAVIS,
Defendants.

§ IN THE DISTRICT COURT OF
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§
§ ORANGE COUNTY, TEXAS
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§
§ 128th JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION & REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JANE DOE, Plaintiff, complaining of SEAWORLD PARKS & ENTERTAINMENT, INC. d/b/a SEAWORLD PARKS, INC., ORLANDO SENTINEL COMMUNICATIONS COMPANY, INC. d/b/a ORLANDO SENTINEL, AWESOME OCEAN, JIMMY VERA and BRIDGET DAVIS, Defendants, and for cause of action would show unto the Court as follows:

A. DISCOVERY PLAN LEVEL 3

1. Plaintiff requests that this lawsuit be governed by Discovery Plan Level 3 pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

B. PARTIES

2. Plaintiff, Jane Doe, is a resident of Orange, Orange County, Texas.

3. Defendant, SeaWorld Parks & Entertainment, Inc. d/b/a SeaWorld Parks, Inc. ("SeaWorld"), is a corporation organized and existing under the laws of the State of Delaware with its principal place of business being in Orlando, Florida. Defendant SeaWorld may be served with process by serving its registered agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, TX 75201.

4. Defendant, Orlando Sentinel Communications, Inc. d/b/a Orlando Sentinel (“Orlando Sentinel”) is a corporation organized under the laws of the State of Delaware with its principal place of business being in Orlando, Florida. Defendant may be served with process by serving its registered agent, Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301-2525.

5. Defendant, AwesomeOcean, is (on information and belief) a business organized under the laws of the State of Florida with its principal place of business being in Orlando, Florida. The address for Defendant AwesomeOcean is unknown at this time.

6. Defendant, Jimmy Vera, is an individual resident of San Antonio, Bexar County, Texas. Jimmy Vera may be served with citation at his usual place of residence at [REDACTED]

7. Defendant, Bridget Davis, is an individual residing in Wichita, Sedgwick County, Kansas. Defendant Davis may be served with citation at her usual place of residence at [REDACTED]

C. JURISDICTION AND VENUE

8. This court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this court. Venue is mandatory in Orange County, Texas under Texas Civil Practice & Remedies Code section 15.017 because this suit involves invasion of privacy and this is the county where Plaintiff resided when this claim accrued.

D. FACTS

9. On information and belief, sometime in 2010, life-long friends, Plaintiff and former SeaWorld employee John Hargrove, were engaged in a telephone conversation that included Plaintiff confiding in Hargrove about a recent occurrence in her life that was both

personal and sensitive in nature. Multiple times during the conversation Hargrove addressed Plaintiff by name.

10. At no time, either prior to, or during the conversation, did Plaintiff or Hargrove consent to the videotaping or recording of their telephone conversation.

11. Nevertheless, Defendants Jimmy Vera and/or Bridget Davis (who were present with Hargrove at the time of the conversation) video recorded the conversation between Plaintiff and Hargrove.

12. On further information and belief, in March 2015 (and subsequent to Hargrove having been featured in the 2013 film entitled "Blackfish" -- a documentary aimed at creating public awareness regarding Defendant SeaWorld's alleged propensity to put profits over the safety of the animals kept in captivity), Defendant SeaWorld, by and through Defendant AwesomeOcean, paid a large sum of money to Defendant Davis and/or Defendant Vera for the video recorded telephone conversation between Plaintiff and Hargrove. On information and belief, both Defendant Davis and Defendant Vera are, and at all times relevant to this lawsuit have been, employees of Defendant SeaWorld.

13. Shortly after procuring the video recorded telephone conversation from Defendant Davis and/or Defendant Vera, on information and belief, Defendant SeaWorld forwarded said video to Defendant Orlando Sentinel and requested that Defendant Orlando Sentinel publicly disseminate the video.

14. Thereafter, Defendant Orlando Sentinel publicly disseminated the video recorded telephone conversation at issue through publication in its newspaper, via its website, and (on information and belief) through various other media outlets, including Defendant AwesomeOcean's website, awesomeocean.com.

15. The above delineated acts and/or omissions of the five Defendants constitute violations of several laws in both the State of Texas, and the State of Florida, as follows:

E. CAUSES OF ACTION

Count 1 – Texas Civil Wiretap Act (Tex. Civ. Prac. & Rem. Code Ch. 123)

16. The elements of a cause of action under the Texas Civil Wiretap Act are the following:

- a) The Plaintiff was a party to the communication.
- b) The Defendants engaged in one or more of the following acts:
 - i. intercepted the contents of the communication with an electronic, mechanical, or other device without the consent of one of the parties to the communication (“nonconsensual interception”),
 - ii. attempted to make a nonconsensual interception of the contents of the communication,
 - iii. employed or obtained another to make a nonconsensual interception of the contents of the communication,
 - iv. used information it knew or reasonably should have known was obtained by a nonconsensual interception of the communication, or
 - v. divulged information it knew or reasonably should have known was obtained by a nonconsensual interception of the communication.

17. Accordingly, as delineated hereinabove, because all five Defendants violated one or more of the foregoing provisions of the Texas Civil Wiretap Act, all five Defendants are liable to Plaintiff for damages as prayed for hereinbelow.

18. Exemplary damages. Plaintiff's injuries resulted from Defendants' gross negligence, malice, or actual fraud, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

19. Attorney fees. Plaintiff is entitled to recover reasonable and necessary attorney fees under Texas Civil Practice & Remedies Code §123.004(5).

20. Statutory damages. Plaintiff is entitled to recover statutory damages in the amount of \$10,000.00 from each Defendant, for each occurrence, pursuant to Texas Civil Practice & Remedies Code §123.004(3).

Count 2 – Intrusion on Seclusion

21. As delineated hereinabove, Defendants intentionally intruded on Plaintiff's solitude/seclusion/private affairs.

22. The intrusion was a kind that would be highly offensive to a reasonable person.

23. Defendants' wrongful acts caused injury to Plaintiff, which resulted in damages as prayed for hereinbelow.

24. Exemplary damages. Plaintiff's injuries resulted from Defendants' malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

Count 3 – Public Disclosure of Private Facts

25. In the alternative/addition to other counts, Defendants are liable to Plaintiff for invasion of privacy by public disclosure of private facts, to wit:

- a) Defendants publicized information about the Plaintiff's private life.
- b) The publicity of Plaintiff's private information would be highly offensive to a reasonable person.
- c) The information publicized was not of legitimate public concern.
- d) Defendants' wrongful acts caused injury to Plaintiff, which resulted in damages as prayed for hereinbelow.

26. Exemplary damages. Plaintiff's injuries resulted from Defendants' malice, which entitles Plaintiff to exemplary damages under Texas Civil Practice & Remedies Code §41.003(a).

Count 4 – Intentional Infliction of Emotional Distress

27. In the alternative to all other counts, Defendants are liable to Plaintiff for intentional infliction of emotional distress, to wit:

- a) The Plaintiff is a person.
- b) Defendants acted intentionally or recklessly.
- c) The emotional distress suffered by the Plaintiff was severe.
- d) Defendants' conduct was extreme and outrageous.
- e) Defendants' conduct proximately caused the Plaintiff's emotional distress.
- f) No alternative cause of action would provide a remedy for the severe emotional distress caused by Defendants' conduct.

28. Accordingly, Plaintiff is entitled to monetary damages as prayed for hereinbelow.

F. JURY DEMAND

29. Plaintiff demands a jury trial and tenders the appropriate fee with this petition.

G. REQUEST FOR DISCLOSURE

30. Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

H. PRAYER

31. For these reasons, Plaintiff asks that the Court issue citation for Defendants to appear and answer, and that Plaintiff be awarded a judgment against Defendants for the following:

- a) Actual damages.
- b) Statutory damages.
- c) Exemplary damages.
- d) Prejudgment and postjudgment interest.
- e) Court costs.
- f) All other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

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