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**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT**

ELENA DAVIS, individually and as parent of)
K.V., L.V., and S.V.; CABRESHA)
HARDWELL, as parent of J.A.; JUSTIN)
BARTALONE, individually and as parent of)
F.B.; KATHLEEN LARMAN, as parent of)
J.B.; KYRA WIGGINS, as parent of K.B.;)
HOLDEN BURK, as parent of W.B.;)
WESLEY BUSEY, individually; BRENDA)
CIMORELLI, as parent of L.C. and N.C.;)
CONSTANCE ANTHONY, as parent of S.C.;)
KAYLA O'DELL, individually and as parent)
of O.H.; AMY HOLLIS, individually and as)
parent of A.H., A.H. and S.S.; PHILLIP)
JABARA, individually and as parent of C.J.;)
SHENIECE JAMESON, as parent of M.J.;)
MARIAH LARSON, as parent of L.L.;)
BEVERLY MANNING, Individually;)
WESLEY MCCUTCHEON, as parent of C.M.)
and D.M.; SAMANTHA MCCUTCHEON,)
individually; PAMELA MCCUTCHEON,)
individually IMALEA SWANK, as parent of)
S.P. and S.P.; ESTEBAN RAMIREZ,)
individually and as parent of E.R. and J.R.,)
BRITTANY SAUSEDA, individually;)
TAYLOR WINGET, as parent of E.R. and)
T.R.; TIEGAN ROGERS, as parent of S.R and)
S.R.; ADAM SNIDER, individually; CECILIA)
SNIDER, individually and as parent of C.S,)
E.S., and V.S., CASSANDRA TATE, as)
parent of B.W. and S.W.; CHELSEA)
WELLER, as parent of A.W.;)

Case Number: 2021-CV-001071

Plaintiffs,

vs.

TANGANYIKA WILDLIFE PARK LLC,

Defendant.

PLAINTIFF'S FIRST AMENDED PETITION

COME NOW the Plaintiffs by and through counsel, Coleman J. Younger and Tyler Patterson of Patterson Legal Group, L.C., and for their claims against the above-named defendant, allege and state as follows:

Parties

1. Plaintiff Elena Davis, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of K.V., L.V., and S.V., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

2. Plaintiff Cabresha Hardwell, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of J.A. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

3. Plaintiff Justin Bartalone, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of F.B. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

4. Plaintiff Kathleen Larman, is a resident of Ford County, Kansas, and is the natural parent and guardian of J.B. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

5. Plaintiff Kyra Wiggins, is a resident of Jackson County, Missouri, and is the natural parent and guardian of K.B. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

6. Plaintiff Holden Burk, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of W.B. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

7. Plaintiff Wesley Busey, is a resident of Sedgwick County, Kansas, and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

8. Plaintiff Brenda Cimorelli, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of L.C. and N.C., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

9. Plaintiff Contance Anthony, is a resident of Seward County, Kansas, and is the natural parent and guardian of S.C. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

10. Plaintiff Kayla O'Dell, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of O.H. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

11. Plaintiff Amy Hollis, is a resident of Baldwin County, Alabama, and is the natural parent and guardian of A.H., A.H. and S.S. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

12. Plaintiff Phillip Jabara, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of C.J., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

13. Plaintiff Sheniece Jameson, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of M.J. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

14. Plaintiff Mariah Larson, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of L.L., and brings this action for medical bills, physical injury, pain,

suffering, disability, mental anguish, and loss of enjoyment of life.

15. Plaintiff Beverly Manning, is a resident of Sedgwick County, Kansas, and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

16. Plaintiff Wesley Mccutcheon, is a resident of Cowlitz County, Washington, and is the natural parent and guardian of C.M. and D.M., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

17. Plaintiff Samantha Mccutcheon, is a resident of Cowlitz County, Washington, and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

18. Plaintiff Pamela Mccutcheon, is a resident of Sedgwick County, Kansas, and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

19. Plaintiff Imalea Swank is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of S.P. and S.P., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

20. Plaintiff Esteban Ramirez, is a resident of Finney County, Kansas, and is the natural parent and guardian of E.R., and J.R., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

21. Plaintiff Brittany Sauseda, is a resident of Finney County, Kansas, and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

22. Plaintiff Taylor Winget, is a resident of Sedgwick County, Kansas, and is the

natural parent and guardian of E.R., and T.R., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

23. Plaintiff Tiegan Rogers, is a resident of Cowley County, Kansas, and is the natural parent and guardian of K.V., L.V., and S.V., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

24. Plaintiff Adam Snider, is a resident of Sedgwick County, Kansas, and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

25. Plaintiff Cecilia Snider, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of C.S., E.S. and V.S., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

26. Plaintiff Cassandra Tate is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of B.W., and S.W., and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

27. Plaintiff Chelsea Weller, is a resident of Sedgwick County, Kansas, and is the natural parent and guardian of A.W. and brings this action for medical bills, physical injury, pain, suffering, disability, mental anguish, and loss of enjoyment of life.

28. Defendant TANGANYIKA WILDLIFE PARK LLC (“TWP”) is a Kansas for-profit entertainment facility with its principal place of business in Sedgwick County, Kansas. Service of process may be obtained through James Fouts, the statutory agent of TWP.

Jurisdiction

29. This court has personal jurisdiction over all the parties to this action.

Venue

30. Venue is proper in the District Court of Sedgwick County under K.S.A. 60-603.

Facts

31. This is an action on behalf of plaintiffs who were injured and suffered illnesses including but not limited to shigella, norovirus, e. coli, bacterial bronchitis, bacterial pneumonia, and other illnesses related to fecal matter ingested into one's person at the Tanganyika Falls Splash Park at Tanganyika Wildlife Park, controlled, operated and owned by Tanganyika Wildlife Park LLC.

32. The outbreak occurred among children and guests who visited the Tanganyika Falls Splash Park on or after May 28, 2021.

33. The disease outbreak was caused by the spread of an organism that existed at TWP for a significant period of time, or was caused by water contaminated with organisms, pathogens, and/or fecal matter.

34. On or about June 18, 2021, the Kansas Department of Health and Environment launched an investigation into the link between the illnesses and TWP.

35. On or about June 18, 2021, the Sedgwick County Health Department launched an investigation into the link between the illnesses and TWP.

36. Defendants knew or should have known that significant numbers of people were becoming ill after visiting the Tanganyika Falls Splash Park.

37. The norovirus, similar organisms, pathogens, and/or other diseases related to fecal matter are estimated to cause millions of cases of acute gastroenteritis each year in the United States. The accompanying symptoms include fever, vomiting, and diarrhea.

38. The norovirus, similar organisms, pathogens, and/or other diseases related to fecal

matter are transmitted through fecal matter or through oral transmission, which means that parts of pieces of an infected person or animal's feces may be ingested through the mouth of other persons, causing illness. The vehicle for this transmission may be through water or through physical contact of an infected person or animal.

39. The plaintiffs were patrons of TWP on or after May 28, 2021.

40. The plaintiffs, while at TWP, played in the splash park and surrounding area at the Tanganyika Falls Splash Park.

41. Shortly after the trip to TWP, the plaintiffs became violently ill and suffered repeated bouts of vomiting, diarrhea, headaches and fever amongst other symptoms due to the negligence and/or carelessness of the defendants.

42. The symptoms were so severe, the plaintiff K.V. was hospitalized as a direct result of their illness.

43. The defendants committed the following acts and omissions of negligence:

(a) defendants failed to adequately monitor the sanitary conditions of the Tanganyika Falls Splash Park;

(b) defendants failed to apply its own policies and procedures so as to ensure the safe and sanitary condition of the water at the splash park;

(c) defendants failed to prevent transmission of virus and disease from the water at the splash park;

(d) defendants failed to warn its customers and the general public despite knowing of the unsanitary conditions at the splash park;

(e) defendants failed to properly train its employees, agents and staff on how to prevent transmission of virus or disease on its premises;

(f) defendants provided a swimming area that allowed or caused the transmission of virus or disease on the occasions in question with negligent and reckless disregard for the safety of others;

(g) defendants failed to provide an adequate or fully operational water filtration system leading directly to the transmission of virus or disease on its premises;
and,

(h) defendants failed to take steps to contain said virus or disease once patrons, guests, and customers had become infected, whether defendants had actual knowledge or should have known that transmission was taking place.

44. As a direct and proximate result of defendant TWP's negligent acts and omissions as set out herein, and/or the negligent acts and omissions of TWP's agents and employees, the Plaintiffs suffered medical bills, physical injury, pain, suffering and disability, mental anguish, loss of enjoyment of life in an amount exceeding the jurisdictional minimum of this court.

WHEREFORE, Plaintiffs pray for judgment against defendant TWP in an amount in excess of \$75,000.00 plus costs and for such other and further relief as the court deems just and equitable.

Respectfully submitted,

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DEMAND FOR JURY TRIAL

Plaintiff hereby requests a trial by jury of twelve (12) members.

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