

ER

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUFFOLK SUPERIOR COURT  
C.A. #: \_\_\_\_\_

JOEL GARCIA	)
Plaintiff	)
	)
v.	)
	)
JUMP CITY KINGSTON, LLC	)
d/b/a SKY ZONE	)
Defendant	)

**COMPLAINT AND DEMAND  
FOR JURY TRIAL**

NOW COMES the Plaintiff, Joel Garcia, and avers as follows:

**PARTIES**

1. The Plaintiff, Joel Garcia, is an individual with a current residential address of 11 San Juan St., Boston, Suffolk County, Massachusetts 02118.
2. The Defendant, Jump City Kingston, LLC, doing business as Sky Zone (hereinafter referred to as "Sky Zone") is a corporation doing business in Massachusetts and having its location and resident agent listed at 101 Kingston Collection Way, Kingston, Plymouth County, Massachusetts 02634.

**FACTS COMMON TO ALL COUNTS**

3. At all relevant times material to this action, Jump City Kingston, LLC owned and/or operated the Sky Zone located at 101 Kingston Collection Way, Kingston, Massachusetts 02634 (hereinafter referred to as the "Premises").
4. At all relevant times material to this action, Sky Zone maintained control over the premises.
5. At all relevant times material to this action, Sky Zone operated a business that included a trampoline park that included a basketball court consisting of trampolines with basketball hoops set up on the trampolines.
6. At all relevant times, one of the metal bases located at the bottom of the pole with the basketball hoop located inside the trampoline court was exposed, without padding, exposing customers to unpadded metal hardware such as a metal base, nuts, bolts and screws.
7. At all relevant times, Sky Zone failed to properly pad the poles and base of the basketball hoops for use inside the trampoline park.
8. At all relevant times, Sky Zone failed to take the reasonable precautions necessary to prevent injury to its customers from foreseeable hazards of playing basketball on trampolines.
9. At all relevant times, Sky Zone knew or should have known that the subject trampoline basketball court was unsafe for use by customers due to the exposed hazard.
10. As a result of the fall onto the exposed metal base of said basketball hoop, on or about December 10, 2022, Plaintiff sustained serious injuries.

**COUNT I: NEGLIGENCE**

11. The Plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.
12. The Defendant owed a duty of reasonable care to the Plaintiff, an invitee, with respect to its premises including, but not limited to, the trampoline basketball court.
13. At all relevant times, the Defendant owed a duty to the Plaintiff to maintain its premises in a reasonably safe condition including, but not limited to a trampoline basketball court, so as to prevent injuries to its patrons and visitors.
14. The Defendant, given the use of the Premises, knew or should have known that the basketball hoop bases were made of metal and had sharp metal nuts, bolts and/or screws on them on the trampoline basketball court creating a foreseeable risk of harm to invitees like the Plaintiff.
15. The Defendant, given the use of the Premises, knew or should have known that the basketball hoop bases were made of metal and had sharp metal nuts, bolts and/or screws on them on the trampoline basketball court creating a foreseeable risk of harm to invitees like the Plaintiff and at all relevant times should have ensured this equipment was properly padded and safe.
16. The Defendant had a duty to maintain proper padding on any dangerous, hazardous or potentially injurious objects in, on or around locations the Defendant was inviting customers to play on or around.
17. The Defendant had a duty to train its employees, agents, officers and contractors to follow safety regulations and company safety policies to maintain its equipment free of dangerous and unsafe conditions or defects and to keep a lookout for such conditions or hazards.
18. The Defendant had a duty to supervise its employees, agents, officers and contractors to and to enforce safety regulations and company safety policies to assure the

maintenance of its equipment free of dangerous and unsafe conditions or defects and to keep a lookout for such conditions or hazards.

19. At all relevant times, the Defendant had the ability to control or to supervise and to monitor the equipment its employee(s) were operating or allowing invitees to play on or around.
20. The Defendant, its servants, agents, partners or employees were negligent and breached their duties to Plaintiff by failing to maintain its premises in a reasonably safe condition; failing to warn of known hazardous conditions; failing to eliminate exposed sharp, metal objects that it knew or should have known existed on the Premises and/or failing to take reasonable measures commensurate with the risks involved with operation of a trampoline park to prevent injury to invitees.
21. As a direct and proximate result of Defendant's negligence, Plaintiff suffered, and continues to suffer from significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur substantial medical expenses and loss of enjoyment of life's pleasures.

WHEREFORE, Plaintiff demands judgment against the Defendant in the sum of his damages.

#### **COUNT II: GROSS NEGLIGENCE/RECKLESSNESS**

22. The Plaintiff adopts, repeats, realleges and incorporates by reference the allegations set forth in the preceding paragraphs as though they were fully set forth herein.
23. The Defendant owed a duty of reasonable care to the Plaintiff, an invitee, with respect to its premises including, but not limited to, the trampoline basketball court.
24. At all relevant times, the Defendant owed a duty to the Plaintiff to maintain its premises in a reasonably safe condition including, but not limited to a trampoline basketball court, so as to prevent injuries to its patrons and visitors.

25. The Defendant, given the use of the Premises, knew or should have known that the basketball hoop bases were made of metal and had sharp metal nuts, bolts and/or screws on them on the trampoline basketball court creating a foreseeable risk of harm to invitees like the Plaintiff.
26. The Defendant, given the use of the Premises, knew or should have known that the basketball hoop bases were made of metal and had sharp metal nuts, bolts and/or screws on them on the trampoline basketball court creating a foreseeable risk of harm to invitees like the Plaintiff and at all relevant times should have ensured this equipment was properly padded and safe.
27. The Defendant had a duty to maintain proper padding on any dangerous, hazardous or potentially injurious objects in, on or around locations the Defendant was inviting customers to play on or around.
28. The Defendant had a duty to train its employees, agents, officers and contractors to follow safety regulations and company safety policies to maintain its equipment free of dangerous and unsafe conditions or defects and to keep a lookout for such conditions or hazards.
29. The Defendant had a duty to supervise its employees, agents, officers and contractors to and to enforce safety regulations and company safety policies to assure the maintenance of its equipment free of dangerous and unsafe conditions or defects and to keep a lookout for such conditions or hazards.
30. At all relevant times, the Defendant had the ability to control or to supervise and to monitor the equipment its employee(s) were operating or allowing invitees to play on or around.
31. The Defendant, its servants, agents, partners or employees were negligent and breached their duties to Plaintiff by failing to maintain its premises in a reasonably safe condition; failing to warn of known hazardous conditions; failing to eliminate exposed sharp, metal objects that it knew or should have known existed on the

Premises and/or failing to take reasonable measures commensurate with the risks involved with operation of a trampoline park to prevent injury to invitees.

32. At all relevant times, the Defendant, through its actions and the actions of its agent(s), officer(s) and employee(s) breached its duty(ies) to protect the public and the Plaintiff.
33. Plaintiff suffered severe injuries as a direct and proximate result of the carelessness, negligence, recklessness, wanton disregard for public safety and/or gross negligence of the Defendant.
34. The Defendant's carelessness, recklessness, negligence and/or gross negligence caused the injuries to Plaintiff.
35. As a direct and proximate result of Defendant's carelessness, recklessness, negligence and/or gross negligence, Plaintiff suffered, and continues to suffer from significant bodily injuries, great pain of body and anguish of mind, and has been caused to incur substantial medical expenses and loss of enjoyment of life's pleasures.

WHEREFORE, Plaintiff demands judgment against the Defendant in the sum of his damages.

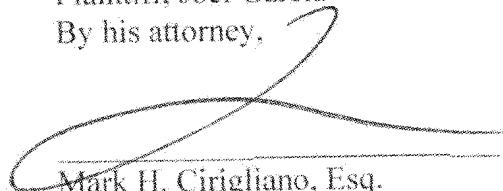
#### **RELIEF SOUGHT**

WHEREFORE, the Plaintiff respectfully demands judgment against the Defendant on all Counts in an amount to be determined by a jury to serve as damages plus costs, interest and reasonable attorney fees as allowed by law, plus such other and further relief as this Court deems equitable and just.

**JURY TRIAL DEMAND**

THE PLAINTIFF RESPECTFULLY DEMANDS A TRIAL BY JURY ON ALL  
COUNTS OF HIS COMPLAINT.

Respectfully submitted,  
Plaintiff, Joel Garcia  
By his attorney,



Mark H. Cirigliano, Esq.  
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