

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

QUINTON BURNS *et al.*,  
Plaintiff,

CIVIL ACTION

v.

SEAWORLD PARKS &  
ENTERTAINMENT, INC., SEAWORLD  
PARKS & ENTERTAINMENT, LLC AND  
JOHN DOES 1,2,3, AND 4,  
Defendants.

NO. 22-2941

**ORDER**

AND NOW, this 5th day of June, 2023, upon consideration of Defendants SeaWorld Parks & Entertainment, Inc. and SeaWorld Parks & Entertainment, LLC's Motion to Dismiss (ECF Nos. 29 & 33), and Plaintiffs' Response in Opposition thereto (ECF No. 32), **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART AND DENIED IN PART** as follows:

1. The Motion is **DENIED** with respect to Plaintiffs' Section 1981 claim.
2. The Motion is **GRANTED IN PART AND DENIED IN PART** with respect to Plaintiffs' negligence claim:
  - a. The Motion is **DENIED** with respect to Plaintiffs' negligence *per se* theory;
  - b. The Motion is **GRANTED** with respect to Plaintiffs' negligent hiring theory, which is **DISMISSED WITH PREJUDICE**;
  - c. The Motion is **GRANTED** with respect to Plaintiffs' negligent training theory, which is **DISMISSED WITH PREJUDICE**; and
  - d. The Motion is **GRANTED** with respect to Plaintiffs' negligent supervision theory, which is **DISMISSED WITHOUT PREJUDICE**.

3. The Motion is **DENIED** with respect to Plaintiffs' claims for injunctive relief.
4. The Motion is **DENIED** with respect to the Valdez and Willie Plaintiffs on the basis of a purported class action waiver.

**BY THE COURT:**

*/s/ Wendy Beetlestone*

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**WENDY BEETLESTONE, J.**