

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

CLAYTON WHEAT, Individually; ADRIANE  
WHEAT, Individually; E. W., by and through  
her parents, CLAYTON WHEAT and  
ADRIANE WHEAT; TONY RENTA,  
Individually; JULIE RENTA, Individually;  
O. R. by and through her parents, TONY  
RENTA and JULIE RENTA,

Plaintiffs,

v.

CHOICE HOTELS INTERNATIONAL, INC.,  
d/b/a Sleep Inn & Suites Millbrook-Prattville,

Defendant.

2014 AUG 13 P 3:58

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Civil Action No.: 2:14cv-864

TRIAL BY JURY DEMANDED

COMPLAINT

**Parties**

1 Plaintiff Clayton Wheat is over the age of 19 years and is a resident and citizen of Jefferson County, Alabama.

2. Plaintiff Adriane Wheat is over the age of 19 years and is a resident and citizen of Jefferson County, Alabama. Clayton Wheat and Adriane Wheat are husband and wife.

3. Plaintiff E. W. is a minor. She is the daughter of Clayton Wheat and Adriane Wheat. E. W. resides with her parents in Jefferson County, Alabama.

4. Plaintiff Tony Renta is over the age of 19 years and is a resident and citizen of Jefferson County, Alabama

5. Plaintiff Julie Renta is over the age of 19 years and is a resident and citizen of Jefferson County, Alabama. Tony Renta and Julie Renta are husband and wife.

6. Plaintiff O. R. is a minor. She is the daughter of Tony Renta and Julie Renta. O. R. resides with her parents in Jefferson County, Alabama.

7. Choice Hotels International, Inc. is a foreign corporation that owns and operates a chain of hotels under different names. Choice Hotels International, Inc. is a Delaware corporation and has its principal place of business in Rockville, Maryland. Choice Hotels International, Inc. is qualified to do business in Alabama and may be served through its registered agent: United States Corporation, 150 South Perry Street, Montgomery, AL 36104. Choice Hotels International, Inc. owns and operates Sleep Inn & Suites Millbrook-Prattville. This Defendant will be referred to herein as "Sleep Inn & Suites."

#### **Jurisdiction and Venue**

8. The parties are of diverse citizenship and the amount in controversy exceeds \$75,000. Thus, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332. Venue is proper in this case pursuant to 28 U.S.C. § 1391, inasmuch as the foreign Defendant owns and operates a hotel in Elmore County, Alabama, and a substantial portion of the wrongful events occurred in Elmore County, Alabama, which lies within the Middle District of Alabama.

#### **Statement of Facts**

9. On July 12 and July 13, 2014, a group of young women from the Jefferson County area, ages 11 to 13, along with parents, coaches and chaperones, attended a girls softball tournament in Prattville, Alabama. The group, made up of certain of the Plaintiffs named in this Complaint and others, lodged at the Sleep Inn & Suites at or near the Millbrook and Prattville city limit line. The subject hotel is located in Elmore County, Alabama.

10. During breaks in the softball tournament, the young girls and some of the parents went swimming in the hotel's indoor swimming pool. Some of them also got into the hotel's indoor hot tub.

11. Shortly after returning home, almost all of the young girls on the softball team and some of the adults who attended with the young girls began getting sick, exhibiting flu-like symptoms, including difficulty breathing, elevated temperature, body aches, dizziness, headaches, chills, and other similar health conditions.

12. Almost all of the individuals who became ill in this group sought out medical treatment.

13. Clayton Wheat was admitted to a hospital in Birmingham, Alabama and spent several days in the hospital, including a portion of his stay in intensive care as a result of becoming ill.

14. Several of the members of this softball team group were also tested for Legionnaires disease. At least three people out of this group have tested positive for the disease.

15. According to news reports, local and state health officials have reported that numerous persons who lodged at the hotel became ill and had to seek medical care and treatment. Several of the guests of the hotel have been diagnosed with Legionnaires disease.

16. Legionnaires disease is a severe respiratory disease. It is typically exhibited as inflammation of the lungs caused by infection. The disease is caused by the bacterium legionella. The disease is typically contracted by inhaling or ingesting the bacteria. Legionella can also cause related illness, such as Pontiac fever, pneumonia, and other serious and sometimes permanent health conditions.

17. Legionella bacterium is commonly found in water or in mist. If water sources are not kept properly cleaned or treated, those who come in contact with the contaminated water can ingest the dangerous bacteria and become seriously ill or die.

18. Legionella can also form in air conditioning duct systems and be inhaled by others who are exposed to the mist from those systems.

19. In this case, all of the persons who became infected from the softball team group from the Jefferson County area would have been exposed to the air conditioning system at the Sleep Inn & Suites. Most of the individuals also partook of the swimming pool and hot tub. Others went into the enclosed area around the swimming pool and hot tub.

20. It is reasonably believed that the persons who became ill after staying at the Sleep Inn & Suites did so because of their unknowing exposure to bacteria-laden water or mist.

21. The Defendant failed to detect the bacteria in a timely manner so as to warn the guests of the hotel of the potential for exposure and/or failed to properly maintain and clean the air ducts, the swimming pool and the hot tub, so as to create an environment prone to the dangerous bacteria developing and exposing its guests.

#### **COUNT I – NEGLIGENCE**

22. Plaintiffs adopt and restate the above paragraphs as if set forth fully herein.

23. Sleep Inn & Suites had the duty to ensure that the water quality of its swimming pool and hot tub were kept clean and clear of all dangerous bacteria. That duty included checking the water quality several times a day, treating the water with the appropriate chemicals, and ensuring that the water was free from certain levels of harmful contaminants and bacteria.

24. Sleep Inn & Suites further had the duty to warn its guests when it discovered that the water quality was inadequate or unsafe.

25. Sleep Inn & Suites had the duty to ensure that the ventilation, air conditioning, and duct system was also kept free and clear of dangerous bacteria and contaminants and to warn its guests if dangerous bacteria were discovered in its system.

26. Sleep Inn & Suites breached each of these duties by failing to keep the water in the swimming pool and hot tub clean and clear of bacteria; by failing to ensure that the air conditioning system was clean and clear of bacteria, and by failing to warn its guests of the presence of dangerous and harmful bacteria in its water system and/or in its air conditioning system.

27. As the direct and proximate result of the listed breaches of the standards of care, several persons became very ill and suffered serious and permanent injury and harm, including, the named Plaintiffs above. The adult Plaintiffs, who are suing individually, also had loss of income and other incidental losses. And each named Plaintiff incurred medical expenses and/or will incur future medical expenses for care and treatment related to the serious disease or illness they contracted.

28. Each of the named Plaintiffs suffered significant mental anguish and emotional distress and will continue to suffer such damages in the future.

29. The injuries and damages of each named Plaintiff are expected to be permanent in nature and to last into the future.

30. The negligence of Sleep Inn & Suites was the result of the neglect, carelessness, or unskillfulness of its agents, officers or employees, who were engaged in managing, working at or overseeing the Sleep Inn & Suites, while acting within the line and scope of their duty, or was the result of the neglect or carelessness or failure to remedy defects at the hotel, with knowledge of the defective or dangerous condition, or the dangerous condition existed for such an

unreasonable period of time that the employees, agents or officers of Sleep Inn & Suites should have reasonably known about the dangerous condition of the water or air at the facility and failed to timely and promptly remedy the known defect or warn others of the hazards.

WHEREFORE, the Plaintiffs demand a money judgment against the Defendant, Choice Hotels International, Inc., d/b/a Sleep Inn & Suites Millbrook-Prattville, in the form of compensatory damages, together with the costs of these proceedings. The amount in controversy exceeds the minimum jurisdictional requirement of this Court.

### **COUNT II – WANTONNESS**

31. Plaintiffs adopt and restate the above paragraphs as if set forth fully herein.

32. The conduct, actions and omissions of Sleep Inn & Suites, as set forth herein, were done with conscious and reckless disregard for the rights and safety of others, including the minor Plaintiffs.

33. This wanton conduct, actions and omissions were the direct and proximate result of the injuries as set forth in more detail herein.

WHEREFORE, the Plaintiffs demand a money judgment against the Defendant, Choice Hotels International, Inc., d/b/a Sleep Inn & Suites Millbrook-Prattville, in the form of compensatory and punitive damages, together with the costs of these proceedings. The amount in controversy exceeds the minimum jurisdictional requirement of this Court.

### **COUNT III – LOSS OF CONSORTIUM**

34. Plaintiffs adopt and restate the above paragraphs as if set forth fully herein.

35. The wives, Julie Renta and Adriane Wheat, were caused to lose the love, care, support and consortium of their husbands, Tony Renta and Clayton Wheat, respectively.

36. Julie Renta and Adriane Wheat were required to care for the needs of their husbands after they became ill from the bacterial exposure at Sleep Inn & Suites.

37. Julie Renta is lawfully married to Tony Renta. Adriane Wheat is lawfully married to Clayton Wheat.

WHEREFORE, the Plaintiffs demand a money judgment against the Defendant, Choice Hotels International, Inc., d/b/a Sleep Inn & Suites Millbrook-Prattville, in the form of compensatory, together with the costs of these proceedings. The amount in controversy exceeds the minimum jurisdictional requirement of this Court.

#### **COUNT IV – LOSS OF SERVICES**

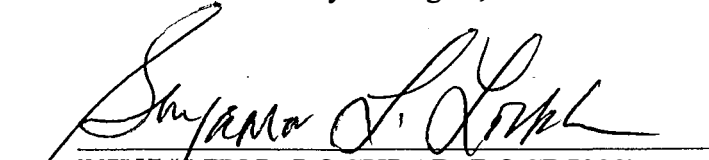
38. Plaintiffs adopt and restate the above paragraphs as if set forth fully herein.

39. The parents, Clayton Wheat and Adriane Wheat and Tony Renta and Julie Renta, were caused to lose the love, support and services of their daughters, E. W. and Olivia Wheat, respectively, after their daughters became ill from being exposed to the bacteria that led to their daughters developing Legionnaires disease and/or symptoms consistent with that disease.

40. The respective parents were caused to become extremely concerned about the health and welfare of their children and will continue to be concerned in the future as a result of the illnesses the children developed at Sleep Inn & Suites.

WHEREFORE, the Plaintiffs demand a money judgment against the Defendant, Choice Hotels International, Inc., d/b/a Sleep Inn & Suites Millbrook-Prattville, in the form of compensatory, together with the costs of these proceedings. The amount in controversy exceeds the minimum jurisdictional requirement of this Court.

RESPECTFULLY SUBMITTED this the 13th day of August, 2014.

  
BENJAMIN L. LOCKLAR (LOCB5022)  
*Attorney for Plaintiffs*

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**PLAINTIFFS RESPECTUFLLY DEMAND A TRIAL BY STRUCK JURY.**

  
BENJAMIN L. LOCKLAR