

# 2024-25 Competition Case



PRESENTS THE

# North Carolina High School Mock Trial Competition

## Dakota Stark

v.

## Springs Park Inc.

The North Carolina Mock Trial Program (“NCMTP”) adapted this year’s case from a case that was originally authored and published in 2021 by the South Carolina Bar Related Education Division for the South Carolina Mock Trial Program. We extend our sincere appreciation to the South Carolina case writing committee for the energy and creativity they extended to the original case. (The South Carolina case writing committee: Donald N. Lanier, LRE Manager and Lead Writer, Jamarr McCain, Conceptual Contributor, Andrew N. Cole, Esquire, Cynthia H. Cothran, LRE Director, Susan Barber Hackett, Esquire, Marian J. Kirk, LRE Coordinator II, D. Elizabeth Leverette, Esquire, Tiffany Nichole Richardson, Esquire, Thomas McRoy Shelley, III, Esquire).

The NCMTP would also like to extend thanks to the NCMTP board members and former competitors who used their creative talents and resources to edit and adjust this case for use in the North Carolina High School Mock Trial program. Specific individuals who contributed extensively to this case include: Sue Gray, Rachel Bramble, Christiana Di Lorenzo, Jacob M. Morse, Brad Bannon, Rebecca Britton, Brooke Schmidly, John Anderson, Christine Sheef, Drew Haywood, Jerry Smith, and Malinda Davidson.

**AVAILABLE WITNESSES**

<b>PLAINTIFF</b>	<b>DEFENSE</b>
Dakota Stark (Plaintiff/Parent of Deceased)	Sidney Wilson (Defendant/Business Owner)
Robin Hill (Friend of Deceased)	Jordan Banner (Facility Manager)
Mills Barton, M.D. (Sports Injury Expert)	Bailey Parker (Risk Management Professional)

**CASE DOCUMENTS**

1. Complaint
2. Stipulations
3. Jury Instructions
4. Jury Verdict Form
5. Affidavits and Exhibits

**EXHIBITS**

1. Springs Park Injury Record from January to June
2. Springs Park Safety Rules Signage
3. Springs Park Liability Waiver Form
4. 911 Transcript from April 22, 2023
5. Coroner’s Report on Wade Stark
6. Springs Park Diagram
7. Curriculum Vitae for Mills Barton, M.D.
8. Curriculum Vitae for Bailey Parker
9. Springs Park Daily Safety Checklist for April 22, 2023

**\*Note on Witness Gender:** The gender of witnesses may be determined by each individual team. Throughout these materials, “they/them/their” will be used as the pronouns for an individual witness. Please notify opposing counsel of the team’s witnesses’ gender identities, vis-à-vis the required roster forms, and make all appropriate gender adjustments in witness statements, examinations, and opening and closing arguments.

**Disclaimer:** All the names of parties and witnesses used in the Mock Trial Competition case are intended to be fictitious, and any similarity to the name of any actual person is strictly coincidental.

## CASE SUMMARY

Wade Stark was one of many patrons at Springs Park on Saturday, April 22, 2023. Springs Park is a local trampoline park located in Meadow Bay, Utopia. Wade was part of a group celebrating at a victory party after winning a soccer tournament earlier that morning. During a round of dodgeball on the trampolines, Wade fell and broke his neck. Wade died from the neck injury. Although Wade's parent, Dakota Stark, signed a waiver, the family sued Springs Park for wrongful death. Owner Sidney Wilson and Springs Park deny all wrongdoing and liability.

**STATE OF UTOPIA  
COUNTY OF MORSE**

**COURT OF GENERAL JURISDICTION  
SUPERIOR COURT DIVISION  
23-CVS-24-1068**

**DAKOTA STARK, AS PERSONAL )  
REPRESENTATIVE OF THE ESTATE )  
OF WADE STARK, )**

**PLAINTIFF, )**

**vs. )**

**SPRINGS PARK, INC., )**

**DEFENDANT. )**

**COMPLAINT  
(WRONGFUL DEATH)**

**JURY TRIAL DEMANDED**

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NOW COMES the Plaintiff, Dakota Stark (hereinafter “Plaintiff”), by and through undersigned counsel, and files this Complaint against the above-named Defendant, Springs Park, Inc. In support thereof, Plaintiff states as follows:

1. Plaintiff is the parent of Wade Stark (hereinafter “Decedent”).
2. Decedent was a 12 year-old minor at the time of death and was a resident of the Town of Meadow Bay in Morse County, Utopia.
3. On information and belief, Springs Park, Inc. (hereinafter “Defendant”) is a corporation established and existing under the laws of the State of Utopia.
4. Defendant owned, operated, and controlled the trampoline park where the Decedent was injured and subsequently died.
5. Defendant owed a duty to Decedent to maintain the trampoline park in a safe and reasonable manner, consistent with accepted standards for similar entertainment facilities.
6. On April 22, 2023, Decedent was a guest at Springs Park, which is a trampoline park. While under the care and supervision of Defendant, Decedent suffered a catastrophic neck injury in a dodgeball room.
7. As a direct and proximate result of the careless, reckless and negligent operation of Springs Park by Defendant, Decedent suffered:
  - a. severe bodily injuries;
  - b. conscious pain and suffering; and
  - c. death.

**CAUSE OF ACTION**  
**(Wrongful Death/Negligence)**

8. Plaintiff hereby adopts and incorporates by reference paragraphs 1 through 7.
9. Defendant had a duty to operate Springs Park in a safe and reasonable manner, consistent with the accepted standards for similar entertainment facilities.
10. Defendant breached its duty to Plaintiff's Decedent by negligently and carelessly:
  - a. failing to maintain proper equipment, including, but not limited to, safety pads for the trampoline park;
  - b. failing to keep children in like aged groups, thus allowing for injury;
  - c. failing to communicate and/or enforce reasonable safety rules to and with all guests;
  - d. failing to properly train and/or supervise agents and employees; and
  - e. failing to institute proper oversight of authority and decisions made by agents and employees.
11. The above negligent and careless acts by Defendant were the direct and proximate cause of the injuries and death suffered by Decedent, for which Plaintiff is entitled to relief in the form of a judgment against Defendant.
12. By reason of Decedent's untimely death, Plaintiff has been deprived of all benefits of society and companionship and experienced great mental shock and suffering. Plaintiff has suffered, and will continue to suffer, damages that are natural and proximate consequence of the wrongful act of Defendant, including:
  - a. financial loss;
  - b. mental shock and suffering;
  - c. grief and sorrow;
  - d. loss of companionship; and
  - e. deprivation of use and comfort of Decedent's society.
13. Defendant's actions or failure to act were the sole cause of the injuries and death of the Decedent, and the action of the Decedent and the Plaintiff did not contribute in any way to the Decedent's injuries and death.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages in an amount as determined by the jury; damages for the pain, suffering, and premature death; and for any other relief as the Court deems just and proper.

Respectfully submitted,

**Tacker LaCarpentier**

Tacker LaCarpentier, Esquire  
LaCarpentier & Britton, LLP

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**ANSWER**

**JURY TRIAL DEMANDED**

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Now comes Defendant, Springs Park, Inc., by and through the undersigned counsel, hereby responding to the hereinafter allegations of Plaintiff's complaint as follows:

1. Each and every allegation in the Complaint, unless specifically admitted, modified, or explained is expressly denied in this Answer.
2. Upon information and belief, Defendant admits the allegations of Paragraphs 1 and 2.
3. Defendant admits the allegations of Paragraph 3.
4. In response to Paragraph 4, Defendant admits only that Decedent was at the trampoline park on April 22, 2023, and Defendant owns Springs Park Inc. Defendant denies all other allegations of this paragraph and demands strict proof thereof.
5. Defendant denies any allegations of carelessness and recklessness contained in Paragraph 5 and demands strict proof thereof.
6. In response to Paragraph 6, Defendant realleges its responses in paragraph 4.
7. Defendant denies the allegations of Paragraph 7, including sub-parts (a) through (c).
8. In response to Paragraph 8, Defendant realleges its responses in paragraphs 1 - 7.
9. In response to Paragraph 9, Defendant denies all allegations.

10. In response to Paragraph 10, Defendant denies all allegations in this paragraph, including sub-parts a through e, and demands strict proof thereof.
11. In response to Paragraph 11, Defendant denies all allegations.
12. In response to Paragraph 12, Defendant denies all allegations, including the sub-parts (a) through (e), and demands strict proof thereof.
13. In response to Paragraph 13, Defendant denies the allegations.
14. Defendant denies that Plaintiff is entitled to the requested relief contained in the unnumbered “wherefore” paragraph.

**FOR A FIRST DEFENSE**

**(Sole Negligence of the Plaintiff and Decedent)**

15. Further answering the Complaint, Defendant would allege that any injuries or damages sustained by Decedent were due to and solely occasioned by the negligence of the Plaintiff and Decedent, and Defendant pleads the sole negligence and sole recklessness of the Plaintiff and Decedent as a complete bar to this action.

**FOR A SECOND DEFENSE**

**(Comparative Negligence – More than 50%)**

16. Further answering the Complaint, Defendant alleges that any injury and damage sustained by Decedent and Plaintiff was caused by the negligence or willfulness of Plaintiff and Decedent combining, concurring, and contributing with the negligence or willfulness, if any, on the part of the Defendant. Because Decedent and Plaintiff’s negligence or willfulness is greater than the alleged negligence or willfulness of Defendant, Plaintiff is barred from recovery against Defendant.

**FOR A THIRD DEFENSE**

**(Comparative Negligence – Less than 50%)**

17. Further answering the Complaint, Defendant alleges any injuries and damages sustained by Decedent and Plaintiff were caused by the negligence or willfulness of Decedent and Plaintiff, combining, concurring, and contributing with the negligence or willfulness, if any, on the part of Defendant. Therefore, the Court should reduce any recovery awarded to Plaintiff for the alleged injuries and damages based upon the percentage of negligence or willfulness attributed to Decedent and Plaintiff.

**FOR A FOURTH DEFENSE**

**(Waiver)**

18. Further answering the Complaint, Defendant alleges Plaintiff signed a valid Waiver as a complete defense.

WHEREFORE, having fully answered Plaintiff's Complaint, the Defendant prays that the Complaint be dismissed with costs awarded to Defendant and for any other relief as the Court may deem just and proper.

Defendant demands a jury trial.

Respectfully submitted,

**Florence Rogers**

**Florence Rogers, Esquire** Rogers & Bailey, LLP One Federal Road Edmonton, Utopia  
**ATTORNEY FOR DEFENDANTS**



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                                  DEFENDANT. )****

**STIPULATIONS**

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The parties agree and stipulate to the following:

1. This case is governed by the laws of the state of Utopia.
2. There are no defects in the pleadings. The Defendant has properly appeared and answered. The Court has jurisdiction over the parties. All questions of fact are being submitted to the jury. Questions of law will be decided by the Court. No law may be argued other than what is contained in the Jury Charges in the case materials.
3. This case has been bifurcated. The only matter to be decided in this trial is liability, along with any valid defenses. Damages, if any, will be decided at a later proceeding and may only be mentioned in so much as to prove the elements of the cause of action.
4. All exhibits included in the case materials are authentic and accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. Both parties retain the right to make objections to the exhibits other than to an exhibit's authenticity. The only exhibits to be used at the trial are those included in the case materials provided by the Utopia Bar.
5. The chain of custody of evidence may not be contested. Additionally, exhibits do not need to be introduced through a custodian of records.
6. The signatures on the witness statements and all other documents are authentic and the statements were signed under oath by each witness.
7. No witness may be examined or cross-examined as to the contents of anything not included in the case materials. This includes, but is not limited to, information found on the Internet, social media, books, magazines, and/or other publications.

8. The charge of the Court is accurate in all respects, and no objections to the charge will be entertained.
9. Witnesses who reference exhibits in their affidavits are familiar with the contents of the entire exhibit.
10. Sidney Wilson is the sole owner and operator of Springs Park, Inc. Therefore, any acts by Jordan Banner, an employee under Wilson's authority as owner and manager of Springs Park, are considered acts of the Defendant.
11. Head Coach Price is not testifying in this case. Coach Price was at Springs Park but was not in the Dodgeball Zone 13-and-up room or in the vending and seating area to observe the live video feed.
12. The watcher, Tommy Kirk, in the Dodgeball Zone 13-and-up is not available to testify and did not have anything more to contribute than Robin Hill or Jordan Banner.
13. The individual who threw the ball at Wade Stark is unknown and was not identified for the purposes of this trial. Both parties have stipulated that the ball thrower was not negligent in throwing the ball.
14. The local newspaper's report was accurate and is not in dispute.
15. No equipment repairs or changes were made to the Dodgeball Zone 13-and-up following Decedent's accident.
16. The conferences attended by Sidney Wilson are not in dispute nor are conference agendas necessary for this case.
17. Both parties agree Decedent was wearing a red wristband at the time of the accident at Springs Park.
18. The fact that only Dakota Stark is listed as the Plaintiff, and not Taylor Stark, does not indicate any marital division or discord between the parents. This was a tactical decision made by their attorney and may not be raised at trial.
19. Exhibit #3, the "Springs Park Liability Waiver Form" is complete, and no additional pages are included.
20. Mills Barton and Bailey Parker are each familiar with their own CV, Exhibits 7 and 8 respectively. Mills Barton and Bailey Parker have also reviewed each other's affidavits in preparing their testimony.

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**JURY INSTRUCTIONS**

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Note: Jury instructions are NOT to be read to the jury on the day of the Mock Trial Competition.

The Court hereby approves the following preliminary jury instructions in the above-captioned case. It notes the presentation of evidence at trial may warrant additional instructions, and it will consider those instructions at a later date.

**A. Bifurcated Trial**

The parties agree the only issue to be decided is liability. If liability is found, the parties agree to have a separate hearing to decide damages. This means you will decide only the liability in this trial, and you are not to consider the amount of award, if any.

**B. The Jury: Finders of the Facts**

Under our Constitution and Code of Laws, only you – the jury – can make the findings of fact in this case. I am not permitted to tell you how I feel about the evidence presented. Throughout this trial, I have intended to be fair and impartial toward each of the parties involved.

To determine the facts in this case, you will have to evaluate the witnesses' credibility (believability). You are the sole judges of the credibility of the witnesses, and in considering their credibility, you may take into consideration many things, such as:

- Your impression of the appearance and manner of the witness on the stand, sometimes referred to as the demeanor of the witness.
- Was the witness forthright...or hesitant?
- Was the witness's testimony consistent or did it contain discrepancies?
- How did the witness come to know the facts about which he or she testified?
- Was the testimony of the witness corroborated or made stronger by other testimony and evidence, or was it made weaker or impeached by such testimony and evidence?

- Did the witness have a cause or a reason to be biased and prejudiced in favor of the testimony he or she gave?
- You may believe the testimony of a single witness against that of many witnesses – or just the opposite.
- You can believe as much or as little of each witness's testimony as you think proper.

Of course, you do not determine your verdict merely by counting the number of witnesses presented by each side.

### **C. Expert Testimony**

You have also heard the testimony of witnesses who have special knowledge, skill, experience, training or education in the field of a particular profession or occupation, and who gave their opinions as experts about matters in which they are skilled. In determining the weight to be given such an opinion, you should consider the qualifications and credibility of the experts and the reasons given for their opinions. You are not bound by such opinions. Give them the weight, if any, to which you deem them to be entitled.

### **D. Circumstantial Evidence**

There are two types of evidence generally presented during a trial – direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact in issue. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case when arriving at a verdict.

### **E. The Judge: Instructor of the Law**

The same constitution and laws that make you the finders of the facts also make me the instructor of the law. You must accept the law as I give it to you. If I am wrong, there is another place and time for that error to be corrected. But for now, you must accept the law as I give it to you – and I caution you that it does not mean what you think the law should be, but what I tell you it is.

### **F. Elements of a Cause of Action**

To state a cause of action against a Defendant, the law requires a Plaintiff to set out in the Complaint the essential claims that make up the Cause of Action. The causes of action in this Complaint are Wrongful Death and Negligence. In the Complaint, the Plaintiff in this action has set forth the essential elements of each cause of action, each of which is denied by the Defendant.

### **G. Defenses**

In their Answers to the Plaintiff's Complaint, the Defendant has set forth various defenses. The Defendant admits the truthfulness of certain claims – such as date of the occurrence – but denies

each and every claim that would make the Defendant responsible for the Plaintiff's injuries. By doing this, the Defendant placed upon the Plaintiff the burden of proving those necessary elements. In addition to this general defense, the Defendant puts forth affirmative defenses to the Cause of Action. The burden is on the Defendant to prove those affirmative defenses.

## **H. Burden of Proof**

The Plaintiff has the burden of proof. The Plaintiff must meet this burden by proving the claims by the preponderance – or the greater weight – of the evidence. So, what do we mean by the greater weight of the evidence? Simply this, imagine a traditional set of scales. When the case begins, the scales are even. After all the evidence has been presented, if the scales should remain even or if they should tip – ever so slightly – in favor of the Defendant, then the Plaintiff will have failed to meet the burden of proof, and your verdict should be for the Defendant.

If, on the other hand, those scales tip – no matter how slightly – in favor of the Plaintiff, then the Plaintiff will have met the burden of proof, and your verdict should be for the Plaintiff.

The Defendant has the burden to prove its affirmative defenses by the preponderance of the evidence.

Of course, there is no way to weigh evidence, except through the exercise of your good common sense and judgment. It is entirely a mental process. The evidence you should give the most weight to is that which convinces you of its truth, regardless of its source.

## **I. Impartial Jury**

You have sworn to give both parties in this case a fair and impartial trial. When you have done so, you will have complied with your oath, and no one will have a right to criticize your verdict. You must not be influenced by opinions or expressions of opinion you might have heard outside of this courtroom but must base your verdict only on the testimony of the sworn witnesses who took the stand, along with the other evidence introduced during the trial.

You must not be swayed by caprice, passion, prejudice or improper sympathy for or against either party in this case. Remember, you have no friends to reward or enemies to punish. Both parties are entitled to a fair and impartial trial at your hands.

## **J. Negligence**

This is an action in which the Plaintiff claims to have suffered injuries for which the Defendant is responsible to pay damages.

There are three essential elements of the Plaintiff's cause of action. They are denied by the Defendant's answer. Because the Plaintiff has initiated and brought this lawsuit against the Defendant, the burden of proof is upon the Plaintiff to establish, by the greater weight or preponderance of the evidence, that:

1. the Defendant was negligent or careless in one or more of the particulars of wrongful conduct alleged in the complaint;

2. the Plaintiff was injured or damaged or both; and
3. the Defendant's negligence or carelessness, in one or more of the particulars as alleged in the complaint, was the proximate cause of the Plaintiff's injuries.

What is negligence? Negligence is defined in the law as the absence of due (or ordinary) care. The word carelessness conveys the same idea as negligence. Negligence is the breach of a duty of care owed to the Plaintiff by the Defendant. Negligence is the failure, by omission or commission, to exercise due care as a person of ordinary reason and prudence would exercise in the same circumstances. It is the doing of some act which a person of ordinary prudence would not have done under similar circumstances or failure to do what a person of ordinary prudence would have done under similar circumstances.

In determining whether a particular act is negligent, the test you apply is what would a person of ordinary reason and prudence do under those circumstances at that time and place.

Negligence is a fact which, like any other fact in the case, must be proved. The mere occurrence of an accident, or the filing of a complaint, or the fact that damages have been sustained, raises no presumption of negligence. A surmise or conjecture (an opinion without evidence) that the Defendant was negligent is not evidence thereof. The bare fact that an innocent party sustained injury or damage does not place any responsibility on another party unless you find that there was some act of negligence on the part of that party which caused the injury or damage.

If you find the Plaintiff proved the Defendant was negligent, then your next inquiry would be whether the Plaintiff proved such negligence was the proximate cause of the injury or damage. Negligence is not actionable unless it proximately causes the Plaintiff's injuries. A Plaintiff may only recover for injuries proximately caused by the Defendant's negligence. [See Negligence - Proximate Cause below]

#### **K. Negligence – Proximate Cause**

Negligence is not actionable unless it proximately causes the Plaintiff's injuries. Proximate cause is the efficient or direct cause of an injury. Proximate cause requires proof of both causation in fact and legal cause. Causation in fact is proved by establishing the Plaintiff's injury would not have occurred "but for" the Defendant's negligence. Legal cause is proven by establishing foreseeability. The touchstone of proximate cause in Utopia is foreseeability. That is, foreseeability of some injury from a negligent act or omission is a prerequisite to its being a proximate cause of the injury for which recovery is sought. The test of foreseeability is whether some injury to another is the natural and probable consequence of the complained of act. The Defendant may be held liable for anything which appears to have been a natural and probable consequence of his/her negligence.

Foreseeability is not determined from hindsight, but rather from the Defendant's perspective at the time of the incident.

The law requires only reasonable foresight. When the injury complained of is not reasonably foreseeable in the exercise of due care, there is no liability. It is not necessary for the Plaintiff to demonstrate the Defendant should have foreseen the event which occurred but merely that the

Defendant should have foreseen that his or her negligence would probably cause injury to someone. Negligent conduct is the proximate cause of injury if that injury is within the scope of the foreseeable risks of the negligence.

While it is not necessary that the Defendant must have contemplated or could have anticipated the event which occurred, liability cannot rest on mere possibilities. The Defendant cannot be charged for that which is unpredictable or that which could not be expected to happen. The Plaintiff therefore proves legal cause by establishing the injury in question occurred as a natural and probable consequence of the Defendant's negligence. In determining whether a consequence is one that is natural and probable, the Defendant's conduct must be viewed in the light of the attendant circumstances.

Proximate cause does not mean the sole cause. The Defendant's conduct can be a proximate cause if it was at least one of the direct, concurring causes of the injury.

The law defines proximate cause of an injury to be something that produces a natural chain of events which, in the end, brings about the injury. In other words, proximate cause is the direct cause, without which the injury would not have occurred. If the accident had happened as a natural and probable consequence, even in the absence of the alleged breach, then the Plaintiff has failed to demonstrate proximate cause.

Further, where the cause of the Plaintiff's injury may be as reasonably attributed to an act for which the Defendant is not liable as to one for which the Defendant is liable, the Plaintiff has failed to carry the burden of establishing that his/her injuries were the proximate result of the Defendant's negligence.

Even if you should find the Plaintiff proved the Defendant was negligent, but failed to prove such negligence was a proximate cause of the injury, the Plaintiff would have failed to make out his/her case and you would be required to find for the Defendant. However, if the Plaintiff proved these two propositions, then it would be necessary for him/her to prove his/her damages.

## **L. Wrongful Death**

The Plaintiff must prove that he or she is a family member and thus has standing to bring an action for wrongful death. That has been proven by the Plaintiff and admitted by the Defendant. There are three essential elements of the Plaintiff's cause of action. They are denied by the Defendant's answer. Since the Plaintiff has made these charges the foundation of his or her claimed right of damages against the defendant, the burden of proof is upon the plaintiff to establish all three by the preponderance or greater weight of the evidence.

The three essential elements are:

First, that the Defendant was negligent in one or more of those specifications of wrongful conduct as alleged in the complaint.

Second, that the Decedent came to their untimely death as a consequence of that alleged wrongful conduct.

Third, that the Defendant's negligence, in one or more of the specifications of wrongful conduct as alleged in the complaint, was the proximate cause of the death.

Because this is a bifurcated trial, you will not decide the damages in this phase of the case. However, merely as information for this phase in the case, the damages that Plaintiffs seek in a wrongful death case may include:

1. pecuniary loss or economic loss, "pecuniary loss" is a loss of money, or of something by which money or something of monetary value may be acquired;
2. mental shock and suffering;
3. wounded feelings;
4. grief and sorrow;
5. loss of companionship;
6. deprivation of the use and comfort of the deceased's society, including the loss of decedent's experience, knowledge and judgment in managing the affairs of himself and his beneficiaries;
7. loss of decedent's ability to earn money for the support, maintenance, care and protection of the beneficiaries; and
8. reasonable funeral expenses.

#### **M. Concurring Causes**

There may be more than one cause of an injury, and more than one person may be responsible for the injury. If the negligence of two or more persons combines to cause an injury, each person involved may be held responsible as if that person alone caused the injury. Causes are concurrent if the individual acts of negligence combine to cause the injury. If an injury occurs through the concurrent negligence of two or more people and would not have happened without the negligence of either person, the negligence is the proximate cause of the injury and both people are responsible.

If the acts happened one after the other but were not related to each other, they would not be concurring causes. In that case, only the person whose negligence actually caused the injury would be responsible.

#### **N. Comparative Negligence**

The Defendant claims the Plaintiff's and Decedent's own negligence proximately caused the Plaintiff's injuries. If you find the Defendant was negligent, you must then decide whether the Plaintiff and/or Decedent were also negligent. The Defendant must prove by a preponderance, or greater weight, of the evidence that the Plaintiff and/or Decedent breached a duty of care, and that breach proximately caused the Plaintiff's injuries and Decedent's death. The same law I told you to use in deciding whether the Defendant was negligent should be used in deciding whether the Plaintiff and/or Decedent were negligent.



If you find the negligence of both the Plaintiff and/or Decedent, and the Defendant proximately caused the Plaintiff's and Decedent's injuries, you must then decide how much the Plaintiff's and/or Decedent's negligence contributed to the Plaintiff's and Decedent's injuries and how much the Defendant's negligence contributed to the Plaintiff's and Decedent's injuries. In deciding the percentages of negligence of the Plaintiff and Decedent, and the Defendant, you may consider, among other things, the following factors:

1. whether each party's conduct was only inadvertent or whether it was engaged in with an awareness of the danger involved;
2. the magnitude of the risk created by each party's conduct, including the number of persons endangered and the possible severity of the injury;
3. the significance of the goal that each party was trying to reach and the need to achieve the goal in that manner;
4. each party's capabilities and abilities to realize and eliminate the risk involved;
5. the particular circumstances confronting each party at the time the conduct occurred, such as the existence of an emergency requiring a quick decision;
6. the relative closeness of the causal relationship of the negligent conduct of the Defendant and the harm to the Plaintiff and Decedent; and
7. whether the conduct of either party involved a violation of a safety statute or regulation.

#### **O. Waiver**

A valid Waiver is a complete defense to a claim of negligence. In order to establish the affirmative defense of waiver, a defendant must show:

1. The person alleged to have waived any claims for simple negligence was fully informed in writing of the potential risk(s) which led to injury.
2. All material portions of the written waiver were completed.
3. If the waiver form consists of more than one page, all pages must be signed or initialed.
4. The person completing the written waiver was over 16 years of age or was the parent/guardian of the participant.
5. The waiver was not merely *pro forma*, meaning the individual signing the waiver must have been given reasonable notice to review the waiver and must have been reasonably informed as to the contents of the waiver.

#### **P. Verdict Form**

Your possible verdicts in this case will be outlined in the jury verdict form. On each of these questions, your decision must be unanimous – that is, it must be agreed to by all of you.

#### **Q. Verdict**

The foreperson will preside over the deliberations of the jury. When you have reached a verdict, you may knock on the door, and we will take the verdict. Of course, if you have any questions before that, also knock on the door and we will take your questions – whether verbally or in writing.

Please retire now to the jury room; however, do not begin deliberations until you are instructed to do so. There are some matters I must first take up with the attorneys.

IT IS SO ORDERED, this day of this round of the Mock Trial competition.

*Kathryn Wells*\_\_\_\_\_

The Honorable Presiding Judge for the County of Morse



**5. If you indicated yes to questions 3 and 4 above, was the Plaintiff/Decedent's comparative negligence greater than 50% of the contributing proximate cause of Plaintiff's damages?**

**YES            NO**

If you answered no, please proceed to Question 6. If you answered yes, please stop your deliberations, sign the Jury Verdict Form, and notify the bailiff.

**6. Did the Defendant prove a valid Waiver?**

**YES            NO**

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Signature, Jury Foreperson

## APPLICABLE CASE LAW:

**Henderson v. Hill:** Utopia has adopted a "partial comparative negligence" rule for civil suits advancing a theory of negligence. Under this doctrine, a plaintiff may recover from a defendant who has acted negligently, even if the plaintiff's own negligent actions contributed to the injury at issue. However, a plaintiff may only recover from a defendant if the jury believes that the plaintiff's own negligence does not exceed that of the defendant. This means that if a jury believes each party is equally negligent, a Plaintiff may recover 50% of their damages. A plaintiff is only barred from recovery if their negligence is 51% or greater.

**Goebel's Cafe v. Logan Cake Factory:** A plaintiff must establish all the elements of its claim by a preponderance of the evidence, meaning that it must establish every element to be more likely true than not. Likewise, an affirmative defense must be proven by the defendant by a preponderance of the evidence.

**Swing's Coffee Shop v. Shelton:** When a parent sues for the negligent death of a child, that parent and the deceased child are both parties to the lawsuit for evidentiary purposes. Thus, emotional distress suffered by the parent as the result of the child's injury or death is relevant under Rule 401 of the Rules of Evidence.

**Frankford's Shrimp Shack v. Rotton:** Prior to testifying to an expert opinion, a witness must be formally tendered to the court as an expert in a specific field. The trial judges serve as the gatekeepers of expert testimony and are tasked with ensuring that such testimony is reliable. In making this determination, the judge may consider the expert's qualifications, data, and methods, but not the expert's actual conclusions. When a party seeks to tender an expert, they must prove, by a preponderance of the evidence, that the expert's testimony meets the requirements of Rule 702 for every specific field in which they testify.

**Belgium's Best Waffles v. Great American Cookie Company:** While practices may differ in other jurisdictions, in the state of Utopia, the definition of —hearsay may include any declarant's out-of-court statement, even if the declarant is on the stand or scheduled to testify in trial.

**Lewis v. Posey Nature Supply:** In wrongful death cases, while living representatives are not parties for the purposes of showing harm, both the deceased and the living representative filing the suit are considered parties for all evidentiary purposes. Therefore, when the defendant offers statements of either the decedent or the living representative, such statements qualify under Rule 801(d)(2)(A) as statements by an opposing party and thus are not hearsay.

**Davidson v. Smith:** The fact finder must determine the credibility of each witness's testimony. A fact finder, whether jury or judge, may choose to credit all, some, or none of a witness's testimony. At all times, the finder of fact may consider the witness's interest in the outcome of the case.

**Hudson v. Ridgeway:** When assessing an expert’s methods under Rule 702(c) of the Rules of Evidence, judges may consider factors such as: (1) whether the theory or technique has been or can be tested; (2) whether it has been peer reviewed and published; (3) whether it has gained widespread acceptance within the field; and (4) whether it has a known, calculable error rate. However, there is no definitive checklist of what must or must not be present for admission; judges must apply the rule based on the totality of the circumstances.

**Lesser v. Wildwood:** Plaintiff brought suit against Wildwood Camp when plaintiff’s minor child was injured by a falling tree during a thunderstorm when the child ran away from the group as they walked to safety. Under Utopia law, camps supervising minors under age 18 have a duty to exercise the same degree of care as would a reasonably prudent parent under similar circumstances. However, such entities are “not insurers of safety...for they cannot reasonably be expected to continuously supervise and control all movements of students.” Camp organizers “owe a duty to exercise only reasonable care to protect participants from ‘injuries arising out of unassumed or unreasonably increased risks,’ ” but may be found not liable if the child under their care intentionally seeks to evade care.

**City of Paradise v. Bernstein:** Kate Bernstein, a disabled 14-year-old, drowned while participating in recreational activities at Paradise Adventure camp offered by the Paradise Parks and Recreation Department. When Kate’s parents filed a wrongful death lawsuit, the City moved for summary judgment, contending that the release agreement signed by Kate’s parents barred liability. This Court held that the release is valid and enforceable for acts of ordinary or simple negligence, thus barring liability and recovery for any such damages. In its ruling, the Court indicated that a valid waiver, 1) must be signed by the releasee; 2) must contain all material terms, which terms must be completed by the releasee, 3) must be signed by someone over the age of 16, or by a parent or legal guardian, 4) must be signed or initialed on all pages to be included in the waiver, 5) may not merely be *pro forma*, taken to mean that the releasor must take reasonable steps to inform the releasee of the contents of the waiver.

WITNESS  
AFFIDAVITS  
AND  
EXHIBITS

## AFFIDAVIT OF DAKOTA STARK

1 My name is Dakota Stark. I am 36 years old. I was born and raised here in Meadow Bay,  
2 Utopia. I have lived in other places because my spouse, Taylor, is in the US Air Force. I have  
3 worked various jobs wherever we were stationed. We have lived in and out of Utopia in between  
4 tours. When we came back to Utopia after a stint in New Mexico, I knew that I wanted to raise  
5 our kids here no matter what. When Taylor had orders to be stationed in Germany for two years  
6 right before Wade died, we opted for me and the boys to stay in Meadow Bay to give the kids a  
7 hometown experience and to be closer to family. To be more hands on with the kids, I took a  
8 part-time online customer service job to do in the evenings when the boys went down for bed.  
9 Taylor and I had two beautiful boys. We now only have our little guy, Jason. Wade died at a  
10 trampoline park on April 22, 2023. I truly wish the boys and I had moved to Germany with  
11 Taylor instead of staying here. If so, Wade would still be with us, and I would not be sitting here  
12 today.

13 Saturday, April 22, 2023, started out as a wonderful day. Wade was playing on the Blue Pointe  
14 High School's JV soccer team. It is almost unheard of to have a seventh grader on the JV team,  
15 but Wade was a really good player and big for his age. In fact, Wade was five feet six inches tall.  
16 That is almost eight and a half inches taller than an average 12-year-old. He weighed 93 pounds,  
17 which is a little over the average, but when you count his extra height, it only made sense.

18 Wade and the rest of the team had a great season. At the final game of the JV championship  
19 playoffs, we were playing against a powerhouse but managed to pull off the win. It was a very  
20 physical game. A lot of the kids on the team were banged up from hard challenges or from  
21 crashing into the net during corner kicks. During one corner kick, Wade had his legs knocked out  
22 from under him, and he fell backwards landing hard on his shoulders and neck. He bounced back  
23 up and did not seem to miss a beat. Neither the head coach, Coach Price, nor the team doctor  
24 pulled him out of the game, which meant he must not have been hurt. The team was so excited  
25 about the win. I was even more excited that the college scouts were looking at Wade. After the  
26 game and sideline celebrations, Coach Price decided to treat the team using booster club funds to  
27 buy pizza for a late lunch and then some celebratory jump time at the trampoline park. All the  
28 parents gave approval for the kids to go to the trampoline park. The kids showered and changed  
29 out of their jerseys and into clean clothes. Wade changed into a long-sleeved gray soccer shirt –  
30 you know the lightweight sweat-wicking kind of shirt. A cold front had passed through the night  
31 before causing the temperature to drop.

32 Jason and I followed the bus to the Springs Park location over on West Maple Drive after lunch.  
33 I would say we got to Springs Park sometime after 3pm. Wade had been to Springs Park before,  
34 but I had not. We had been to several other trampoline parks over the years with no problems as  
35 they were great places to play. However, at two years old, I thought Jason was too little to  
36 participate. At most trampoline parks, there are different sections of trampolines based on age.  
37 This helps make sure the older kids do not bounce too high or launch the younger ones up in the



38 air. There are also watchers in every room, and video monitors in the vending and seating area  
39 for parents to watch their kids. For parents who do not want to watch from the video monitors in  
40 the vending and seating area, most places have benches outside of each trampoline room for  
41 parents to observe – at least that was how most of the parks I had been to before were set up.

42 Springs Park was more crowded than any trampoline park I had taken Wade to before. There  
43 were clearly way too many kids and not enough watchers. Kids of all ages and sizes were  
44 running around like crazy. I thought the fire marshal would probably have closed the place down  
45 when we first arrived, had one been there. Against my better judgement, and because Wade was  
46 so excited to celebrate with his team, we stayed. Staying there was the single worst decision of  
47 my life.

48 The diagram of Springs Park, marked as Exhibit #6, is accurate. At the front entrance there was a  
49 bank of TV screens, but they were not on when we arrived. Past that entrance, I saw the  
50 entertainment areas. To the far left of the entrance was a vending and seating area for adults to  
51 watch their kids on screens. Behind that was the arcade area. Directly behind the entrance and  
52 screens was an area of special trampolines called the Basketball Slam Zone. The slam zone was  
53 broken into sections based on height since the basketball goals were set up to match the height of  
54 the participants in each zone. To the right of the slam zone were the foam pit trampolines for  
55 kids to launch into pits full of foam blocks. The foam block pits were marked by age, but no one  
56 seemed to pay attention to who was in what age section. For instance, I witnessed some big kids  
57 – definitely high school – in the two- to four-year-old section. I never saw any of the watchers or  
58 other staff over there. Finally, to the far right were the big trampoline areas. The trampolines  
59 were broken up with a jump zone for the younger kids, and then the trampoline Dodgeball Zones  
60 for the older kids.

61 As I mentioned earlier, when you first come into the building there were two banks of large  
62 screen TV's. I am told they were supposed to constantly display Springs Park's safety warnings,  
63 rules, and waivers for participating in the trampoline park. I say, "supposed to," because none of  
64 the screens were working. Instead, there were two people sitting at a counter, handing out  
65 waivers to be signed, collecting payment, and distributing colored wristbands. The person I  
66 spoke to asked me to sign a waiver form for each of my boys to play. Jason was only two. I said  
67 no to signing for Jason. I was told that Jason could easily play in the foam block pits. Again, I  
68 declined. Then I asked what was on the form I was to sign. The person shrugged and said, "You  
69 know, just stuff saying it is okay for your kid to play on the trampolines." I asked if I could read  
70 the form, and I was told there was not enough time to wait on me with all the people coming in  
71 the door. Against my better judgment, I signed the form. I assumed I would get a copy to read  
72 later. I never saw the form again until after Wade died and we met with my attorney. The Springs  
73 Park Liability Waiver Form I signed looks identical to the one marked as Exhibit #3, and that is  
74 my signature. I felt rushed to sign it because I don't recall initialing anything on the entire  
75 document. I do not ever remember seeing the signage with all the warnings on it like they have  
76 marked as Exhibit #2.

77 Wade was very excited about going to Springs Park because of winning the JV Championship. I  
78 knew the team would be burning off energy particularly in the trampoline dodgeball zones.  
79 Wade was great at dodgeball, and almost always was the last one standing. There were glass  
80 walls separating all the different areas of Springs Park, including the hallways. Unfortunately,  
81 parents could only sit and observe from the vending and seating area. All the other places like  
82 this, where we had been before, had benches in the hallways for people to sit much closer to  
83 everything and watch their kids. The TVs were working in the vending and seating area, so I  
84 kept Jason with me, and we watched the screen with Wade appearing on camera every so often.  
85 The vending area was probably the only relatively quiet place in Springs Park. I checked a few  
86 emails and looked at Facebook for a couple minutes while Jason and I were waiting. Jason  
87 toddled around, climbing on and off the chairs scattered around the room. I had just put my  
88 phone down and heard loud screams from the Dodgeball Zone. I looked up at the screen to see  
89 what it was, and my heart stopped. The screen where Wade had been popping up was full of  
90 people standing around someone on the trampoline. I could not see Wade anywhere, and I  
91 instantly started heading that way. I scooped up Jason and ran towards the Dodgeball Zone.

92 I saw that there was a crowd coming out from the last Dodgeball Zone, marked 13–and–up. I  
93 hoped for just a second that Wade was not in there because he was only 12. Robin was inside the  
94 room’s entrance and looked at me and said, “Wade is hurt.” I remember carefully and quickly  
95 walking on the padded springs to get to Wade. Wade was at the edge of the mat next to the  
96 padded parts that cover the trampoline springs. His eyes were closed, and his head was cocked at  
97 a strange angle. He was not moving at all. As I got there, I heard one of the staff calling for an  
98 ambulance, who said, “The kid had a bad fall. He is not moving and has a weak pulse, but I  
99 heard what sounded like a moan.” I leaned down towards Wade telling him to wake up and how  
100 much I loved him. There was someone telling everyone to stand back and not make the  
101 trampoline bounce. I remember the Emergency Medical Technicians (EMTs) coming in and  
102 telling us to back away from Wade. They took one look at Wade’s position and shook their  
103 heads. The EMTs put Wade in a neck collar, put him on a backboard, and loaded him into the  
104 ambulance.

105 Jason and I rode in the ambulance with Wade. The EMTs gave him oxygen, but I knew they only  
106 did that for me. When the ambulance arrived at the Emergency Room (ER) entrance – only about  
107 a three-minute ride – the ER doctor declared Wade dead. Saying that I was crushed does not  
108 even begin to describe my emotions. An irreplaceable part of my life has been taken from me.  
109 Wade had such a short life. He was born September 17, 2010, and died April 22, 2023.

110 The days following Wade’s death were horrible. Taylor had emergency leave to come home  
111 from Germany. We buried our son on the following Thursday. Burying a child is the worst thing  
112 in the world for parents to do. In the days following Wade’s funeral, I received a copy of the  
113 Coroner’s Report for Wade, which is marked as Exhibit #5. The report was very clear that Wade  
114 was healthy until his spinal cord was severed between vertebrae C1 and C2 causing his death  
115 within minutes. I began thinking about this happening to other families and researched more

116 about trampoline parks. I read Dr. Barton’s article on the internet about the dangers of  
117 trampoline parks and other high-risk sports. How many kids have to get hurt or killed in places  
118 like this before someone does something? I could not take it anymore. After reading Dr. Barton’s  
119 article, I decided to seek out an attorney to file suit against Springs Park, Inc. I later spoke with  
120 Dr. Barton to give details surrounding Wade’s death along with a copy of the Coroner’s Report.  
121 Dr. Barton agreed to testify in this case. We want more than a financial penalty. We want  
122 Springs Park, Inc. to stop operating because they killed someone. And not just anyone – they  
123 killed our son.

124 I have reviewed this statement, and I have nothing of significance to add at this time. The  
125 material facts are true and correct.

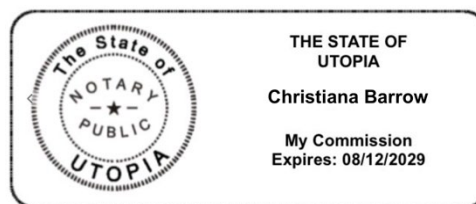
Signed,

Dakota Stark

Dakota Stark

Christiana Barrow

Christiana Barrow, Notary State of Utopia



My Commission Expires: 08/12/2029

## AFFIDAVIT OF ROBIN HILL

1 My name is Robin Hill. I am 14 years old, almost 15. I am now a freshman at Blue Pointe High  
2 School. I grew up in Meadow Bay. Wade and I were good friends. We met right after Wade's  
3 family moved here. One of Wade's parents, Taylor, is in the Air Force, so they moved around a  
4 bunch before relocating to Meadow Bay right down the street from me. When Taylor was  
5 transferred to Germany, Wade's parents decided to keep Wade and his brother Jason in Meadow  
6 Bay. I was so happy when they decided that because Wade and I were great friends, and I did not  
7 want to see him go. We did everything together; rode our bikes, went jogging, jumped at  
8 trampoline parks, went to the movies, and hung out as much as we could.

9 I was at the championship playoff game to cheer on Wade and the rest of the Blue Pointe High  
10 School JV Soccer team on April 22, 2023. I do not play soccer because I am into running,  
11 trampoline parks, and parkour. Parkour is modeled after military obstacle course training.  
12 Parkour includes free running, climbing, swinging, vaulting, jumping, rolling, and so much  
13 more. It is lots of fun. When I travel with my parents, I make it a point to go try out different  
14 trampoline parks. Someday I would love to compete in American Ninja Warrior. The strength  
15 and determination those competitors have is amazing. I am the one who got Wade interested in  
16 trampoline parks. There are so many flips and tricks you can do in the air if the trampoline  
17 springs are just right. We had been to Springs Park together multiple times before without our  
18 parents.

19 Anyway, after Wade's team won the game a bunch of us caught up with the team on the field. It  
20 was a tough match and both teams were very aggressive going after the ball and slide tackling. I  
21 saw Wade take a couple hard knocks during the game. The hardest hit was when a guy knocked  
22 Wade's legs out from under him during a corner kick. Wade went down hard on his shoulders,  
23 neck, and head; but he bounced back up and finished the game like nothing happened. While on  
24 the field celebrating after the game, Wade told me Coach Price said they were going out for  
25 pizza and then some jump time at Springs Park after lunch, which of course I thought was  
26 awesome. I was willing to pay my way to hang out with Wade and the team. I rode to the game  
27 with another friend's mom, and she agreed to drop us off at Springs Park after getting pizza. I  
28 had my cell phone, so my plan was to call my parents for a ride home when we were done or  
29 hitch a ride back with Wade.

30 After eating pizza and hanging around for a while, we left for Springs Park and arrived just  
31 behind the soccer team's bus. My friend and I joined the large growing crowd of people going  
32 inside. When entering, there were digital display screens that usually showed the waivers and  
33 trampoline park rules, but they were not working that day. I have seen the Springs Park Safety  
34 Rules, marked as Exhibit #2, plenty of times on the digital display screens when coming in there  
35 before. I think there were even a couple of safety rules posters throughout the park. In addition to  
36 the screens not working, the iPads we generally use to sign for the waiver form were also not  
37 working. Since everything was down, we had to line up at the counter to sign the actual waiver

38 forms, like the one marked as Exhibit #3, pay, and get our color assigned wristbands. You know  
39 how it is – sign, pay, get your wristband, and go in. No one was taking the time to read the forms  
40 before signing. The more I think about it, I do not know anyone who reads those forms. I do not  
41 think I have ever seen my mom read one of the forms before signing. My parents were not with  
42 me, so I just signed my own waiver, put my age as 13 on the form and no one asked about it,  
43 even though I was only 12 at the time. I got a blue wristband for the oldest group – the 13-and-  
44 up crowd, because almost everyone on the JV soccer team was already a freshman at Blue Pointe  
45 High School, and I wanted to play in the oldest group like the rest of my friends.

46 Springs Park used to be my favorite trampoline park before Wade died. The reason I liked it best,  
47 besides the fact of it being the biggest trampoline park in the state, is that the staff who run the  
48 place let us get away with things that other places usually do not allow. We could have two or  
49 more people on a trampoline area to get a “double bounce,” which is timing the jumps so that the  
50 second person gets launched way high. The Dodgeball Zones were always aggressive. They were  
51 aggressive for several reasons. First, there were times when there would be no watchers in the  
52 13-and-up area at all because they were short staffed, which made it kind of a free-for-all. Then  
53 there were times that the staff would egg us on to throw the dodgeball harder or jump higher in  
54 the Dodgeball Zones. Finally, I do not remember ever seeing anyone check wristbands when  
55 going into the different trampoline areas. The watchers are supposed to look and see what color  
56 wristband is being worn. Green for the little kids, then yellow, red, and finally blue for the oldest.  
57 The areas are color coded by age and they match the colored wristbands assigned at check-in.  
58 When looking at the Springs Park diagram, marked as Exhibit #6, it clearly shows the different  
59 areas based on age. I do not remember ever seeing those rules enforced – except maybe in the  
60 area with the little kids.

61 Once everyone made it past the craziness of the front check-in area, we were all having a lot of  
62 fun celebrating the win and jumping in the different zones. We took some time in the basketball  
63 slam zones getting some big air for our slam dunks. Wade was good at this. To be honest, Wade  
64 was great at every sport he ever tried. There were several newspaper articles about how great a  
65 soccer player he was, and colleges were falling all over him as a seventh grader to try and lock  
66 down his commitment. Wade played church league basketball, and everyone was trying to get  
67 him to go out for the high school JV basketball team too.

68 After a while, we left the Basketball Slam Zones and went over to the far side of the building  
69 where the Dodgeball Zones were. Wade wanted to go into the 13-and-up room, because that is  
70 where the rest of the team was, even though Wade’s wristband was red. I know Wade did not  
71 have the right color wristband for the blue zoned area, and besides, we had done it before. Wade  
72 had on a long sleeve gray t-shirt because it had been a little cooler than usual. As normal, I was  
73 in a short-sleeved t-shirt. No one ever asked about our wristbands or seemed to notice who was  
74 in what room. I really think they just wanted to be sure the bigger kids were not in the little kids’  
75 space. Other than that, the staff there did not seem to care.

76 As soon as we went into the Dodgeball Zone for 13–and–up, I knew things were going to be  
77 rough. There were a bunch of seniors and some people who looked like they were in college. I  
78 don't know how old they were, but they were really big guys. They were throwing at everyone  
79 else in the Dodgeball Zone as hard as they possibly could. There were two watchers there when  
80 we first went in the zone. One watcher left shortly after and never returned, which left just one  
81 person in charge of that huge room full of people trying to kill each other with dodge balls.  
82 Occasionally, the manager, Jordan Banner, would step in for a minute or two. I felt like Jordan  
83 stepped in the room for the entertainment value and not really working or keeping the peace so to  
84 speak. I had previously seen Jordan urge kids to throw harder and do more to knock other kids  
85 down. If I had gone to school with Jordan, I would probably refer to Jordan as a bully.

86 After Wade and I first walked in the Dodgeball Zone for 13–and–up, we stayed on the mats  
87 against the wall surrounding the trampolines. I think we were both trying to get a feel for the  
88 room. Wade was watching his teammates. A round was already going on, and we did not want to  
89 jump into the middle of them playing. We agreed to get in on the next round. I saw a lot of hard-  
90 hitting dodgeballs. The rules say not to intentionally hit someone in the head with the ball, but it  
91 was happening anyway. One kid sprang pretty high off the trampoline and an older guy hit him  
92 in the face with the dodgeball so hard he kind of flipped backwards in the air and landed on the  
93 trampoline flat on his back. That kid's face was so red from the impact of the ball. He bounced  
94 back up and everybody cheered. The game finally ended, and the biggest guy was the winner. He  
95 had to be a varsity football player, or maybe even in college. Let's just say he was huge.

96 There was a five-minute break following the last dodgeball round allowing everyone to rest.  
97 Once the watcher was back from the break, we started the next round. Wade and I went to  
98 different parts of the mat because we have different strategies on playing the game. I stayed  
99 toward the middle of the trampoline and ducked and dodged behind different people. I would  
100 occasionally bounce high to attract someone to throw the ball at me. I could usually catch the  
101 ball when up in the air like that. If you catch a ball someone is throwing at you, then they are out  
102 and you obviously have the ball to throw at someone else. Dodgeball in a trampoline park can be  
103 something of a free-for-all. Wade's style of play was a bit different. He stayed toward the back  
104 of the trampoline area where the mats cover the springs. It is not as bouncy close to the edges  
105 and gives more stability for moving and diving.

106 With the older guys playing, the crowd playing was thinned out pretty quickly from their throws.  
107 The watcher was sitting back watching it all. I do not think the watcher said anything positive or  
108 negative during the round. After I was tagged out of the game, I went to the front edge of the  
109 mats near the room's entrance, which can be seen on the diagram, marked as Exhibit #6. I could  
110 see pretty well from the edge of the room. Wade, the smallest of the five remaining, was holding  
111 steady. One of the big guys, the same one who got me out and who hit a kid in the face the  
112 previous round, seemed to always throw directly and only at Wade. I could tell from Wade's  
113 smile when he would turn my direction that he was loving the attention and the frustration he  
114 created in that guy. The big guy got the ball back after it bounced off another player and looked

115 directly back at Wade. The guy with the ball faked a hard throw. Wade went for the fake and  
116 changed direction back to the right toward the edge of the trampoline where the trampoline and  
117 the mats meet. As soon as Wade went for the fake throw, the guy with the ball grinned and  
118 hurled it as hard as he could at Wade. Wade awkwardly leapt up to try and dodge the incoming  
119 ball, but this move didn't work. Instead, the ball hit Wade hard in the left shoulder and  
120 completely wrecked his balance. He yelled as he fell badly. His head and neck hit the edge of the  
121 mats where the trampoline surface meets the springs. There was a sickening cracking noise and  
122 Wade did not move. I do not know if he made a sound because everyone gasped when they saw  
123 what happened. Some of the bigger kids at the other end of the room were yelling for Wade to  
124 get up and get out of the way. Then things got really quiet when he did not move or respond.

125 With the room quiet, Jordan ran into the room and over to where Wade went down. Jordan asked  
126 Wade to wake up. When Jordan did not get a response, Jordan checked for a pulse and looked  
127 panicked. Jordan immediately pulled out a cell phone and called 911. Everyone stopped moving  
128 in the Dodgeball Zone. It was eerie how still and quiet the room was. I could hear everything  
129 Jordan was saying to the 911 dispatcher. I do not know how long after that, but Wade's parent,  
130 Dakota, came rushing into the room and carefully walked along the padded mats covering the  
131 springs to get to Wade. Jordan waved everyone else back and said not to make the trampoline  
132 move based on Wade's injury. A few minutes later, EMTs came into the room with a backboard  
133 and collar for Wade's neck. They got him on the backboard and slid him off the trampoline and  
134 put him in the ambulance. None of that mattered. I could tell from the reaction on Wade's  
135 parent's face that Wade was probably dead. Wade never woke up and was declared dead at the  
136 hospital. My parents told me they learned Wade's death was due to his neck breaking at the base  
137 of his head, which severed his spinal cord. As a result, his body did not know how to continue  
138 breathing or pumping blood. Since Wade's death, I have not been back to any trampoline park. I  
139 had no idea how dangerous trampolines could be.

140 I was contacted by Dr. Barton after Wade's death. I was asked questions about what happened  
141 the day Wade died. It was very hard reliving that day and here I am testifying about it again.

142 I have reviewed this statement, and I have nothing of significance to add at this time. The  
143 material facts are true and correct.

Signed,

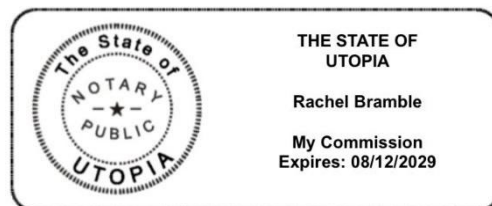
Robin Hill

Robin Hill

Rachel Bramble

Rachel Bramble, Notary State of Utopia

My Commission Expires: 08/12/2029



## AFFIDAVIT OF MILLS BARTON, M.D.

1 My name is Mills Barton. I am 57 years old. I currently live in San Diego, California. I guess  
2 you can say I have gone coast to coast, as I grew up on the coast of Utopia and played all sorts of  
3 sports growing up. I followed in my mother's footsteps and went into medicine but combined  
4 that with my passion for sports. I earned my bachelor's degree from Northwestern University in  
5 Evanston, Illinois, and my M.D. from Johns Hopkins University in Baltimore, Maryland. I did  
6 my residency in the Shock Trauma unit at the University of Maryland Medical Center and left as  
7 the senior chief resident. As the senior chief resident, I had many job opportunities, but the one  
8 that looked the most interesting and exciting was working for an NFL team. I ended up with the  
9 Indianapolis Colts as their team physician. I am board-certified in Orthopedic Surgery with a  
10 specialization in Orthopedic Sports Medicine, which of course includes traumatic sports injuries.  
11 I have practiced medicine for 30 years. I have seen almost every type of trauma that people can  
12 inflict upon one another or themselves, as well as nearly every type of accident that can occur  
13 while participating in sports activities. I currently serve as the Chair of Emergency Medicine at  
14 Scripps Mercy Hospital in San Diego. My education, professional experience, licenses, and  
15 honors along with publications and professional affiliations are all noted in my curriculum vitae,  
16 which is marked as Exhibit #7. What will not be learned from that document is that I am also an  
17 avid surfer and that was one of the big draws for me to take a position on the California coast.  
18 Additionally, I take on consulting work from time to time including testifying in cases all over  
19 the country.

20 In late May 2023, I was contacted by attorneys for the Stark family and I agreed to investigate  
21 the specifics of Wade Stark's death. In addition to my credentials, the reason I was contacted by  
22 the Stark family was because of my peer-reviewed article in the Journal of Sports Medicine and  
23 Injury Prevention in February of 2023. This article highlighted the dangers of trampoline parks.  
24 The article also covered other aspects of non-mainstream sporting activities, which included rock  
25 climbing gyms, "Mud Run" events, parkour parks, and the newer "Ninja Warrior" style gyms.  
26 This February 2023 publication was about critical safety measures needed for these types of  
27 events. The publication received many accolades in medical circles for the way in which it  
28 evaluated the elevated risk and correlated it with the higher levels of medical care needed onsite.  
29 One aspect of these parks and events most troubling to me as a physician is that they do not have  
30 adequate medical care readily available. My recommendation for safety measures would be for  
31 all such organizations and events to employ, at a minimum, an Emergency Medical Technician  
32 (EMT) Level I staff member who would always be present when these businesses are open or  
33 when these types of functions take place. While adding an EMT does not reduce the number of  
34 injuries, it does expedite medical care. This agrees with the type of training I received at Shock  
35 Trauma, and the theories of care put forth by its founder, Dr. R. Adams Cowley. Of course,  
36 hiring an EMT is an additional cost to businesses, which is why so many do not hire an EMT. At  
37 best, most of these places have high school kids who have been through Red Cross  
38 Cardiopulmonary Resuscitation (CPR) and First Aid training. At worst, employees who could



39 not properly apply a band-aid are hired. Even if Springs Park had employed an EMT at all times,  
40 there would have been no way to save Wade Stark's life. Based upon my research and  
41 investigation into Wade Stark's death, better controls over guests and enforcement of rules,  
42 including keeping younger children away from the older participants, would have prevented us  
43 from being in court today over this boy's death.

44 For the purposes of my investigation and evaluation of Wade Stark's death, I spoke with Dakota  
45 Stark, Robin Hill, Jordan Banner, and Sidney Wilson. I reviewed the Springs Park Diagram  
46 marked as Exhibit #6, the 911 Transcript marked as Exhibit #4, and the Coroner's Report  
47 marked as Exhibit #5. After speaking with Dakota Stark and Stark's attorneys, I knew this  
48 inquiry would be difficult for all parties involved. However, I can review a case without emotion.  
49 What we in the medical community know largely to be fact is that trampoline parks are  
50 inherently dangerous. This is an expansion of the dangers presented by having a trampoline at  
51 home. It is a verifiable fact that home insurance is negatively impacted by the presence of a  
52 trampoline. Some insurance companies treat trampolines as a greater risk than having a pool on  
53 the same property. Heritage Owners Group Insurance is one example of a company with higher  
54 premiums for a trampoline than a pool. I have testified in a dozen trials where Heritage was  
55 involved. Owning a trampoline is risky enough. Now multiply it many times over and then one  
56 can begin to see the amount of risk for a trampoline park with so many trampolines and many  
57 more people crowded in one location.

58 Most insurance companies and emergency room physicians will tell you the majority of  
59 trampoline park injuries come from people crashing into one another. Too many people in too  
60 small of a space creates a perfect storm for injuries. Do not even get me started on the quantity of  
61 bacteria and viruses that live in the foam block pits at these trampoline parks. As noted by the  
62 National Institute for Health (NIH) in the mandatory reporting process for Emergency Room  
63 (ER) visits, there are over 100,000 trampoline injuries severe enough to warrant an ER visit in  
64 the United States per year. As there is no national regulation, or for that matter no consistent  
65 state regulation, we have no record of all injuries which occur at trampoline parks – only the  
66 ones serious enough for ER treatment. With that in mind, simple bumps, bruises, sprained  
67 ankles, dislocated fingers and the like constitute many more injuries which go unreported. I  
68 would feel confident in projecting the true number of all injuries related to trampoline parks to be  
69 on a scale of at least ten-fold compared to the ER statistics. I have reviewed the Springs Park  
70 Injury Record Form marked as Exhibit #1 for the period of January to June 2023. It is not  
71 surprising to see the types of injuries reported. It also speaks to the NIH statistics and a greater  
72 estimation by healthcare workers of undocumented injuries. For all the injuries noted, Wade  
73 Stark's was the first incident requiring an EMS unit to be called to this location.

74 One thing somewhat unique to Wade Stark's death is that it did not involve crashing into another  
75 person. Rather his death was likely due to impacting the protective mats and the supporting  
76 springs of the trampoline. Any participant's risk would be increased when participating in a  
77 game of dodgeball while jumping on a trampoline. These two independent activities carry their

78 own injury risks; therefore, when they are coupled together there is an increased recipe for harm.  
79 Wade was involved in a soccer match earlier in the day with physical exertion and a possible  
80 injury reported by witnesses, which included a fall on the neck and shoulder area. Nothing in  
81 Wade's autopsy, marked as Exhibit #5, reflected an injury sustained earlier accounting for or  
82 contributing to his death. Instead, Wade's death occurred as a direct result of activity at Springs  
83 Park and nowhere else because the spinal cord was severed between the C1 and C2 vertebrae,  
84 causing death within minutes.

85 The autopsy for Wade Stark indicates an otherwise healthy male with a broken vertebra near the  
86 base of the skull. This break caused a sharp shift in the spinal column resulting in the broken  
87 bone slicing through the spinal cord. The break would have been very painful and then all feeling  
88 would stop. Death most likely followed within a few minutes as his body could no longer  
89 regulate his heartbeat or breathing. Prior to the injury, Wade was in excellent health, as was clear  
90 because all cardiovascular, respiratory, liver, and gastrointestinal exams came back normal.  
91 There were no positive results on any of the toxicology tests. Except for breaking his neck from a  
92 very hard impact, Wade should have lived a long life.

93 In my professional opinion, a fall like that could not have resulted in death without mats being  
94 moved, damaged, or not of the right thickness. Wade must have hit either the springs attached to  
95 the jump surface, or the metal framing to which the springs attach. As I have said many times,  
96 both in this affidavit and in my other articles on risks with these types of sports, a lack of federal  
97 or consistent state level regulation is a major factor in injuries. I know from my research that  
98 Sidney Wilson, the owner of Springs Park, is a member of the International Association of  
99 Trampoline Parks (IATP). That is a step in the right direction, but this association does nothing  
100 more than provide what I would call bare minimum guidelines.

101 When I met Sidney Wilson at Springs Park, I had an opportunity to tour the facility. I  
102 specifically looked at the Dodgeball Zone for ages 13-and-up, which is marked on Exhibit #6.  
103 Wilson pointed out the Springs Park Safety Rules posters, which were posted on the wall and  
104 also scrolling on TV monitors that were throughout the building. These rules are marked as  
105 Exhibit #2. We left the lobby area and went to the room where Wade Stark died. I conducted an  
106 examination of the equipment, including the pads; however, I was not allowed access to the area  
107 underneath the trampolines. The pads covering the springs to the trampoline surfaces were about  
108 one inch thick. Residential thickness is considered to be a half inch thickness. An upgrade  
109 beyond that sold by many suppliers comes in a two-inch thickness. In some cases, such as safety  
110 equipment and pad thickness, bigger is better. It is true Springs Park exceeded the IATP  
111 recommended thickness by using one-inch-thick pads instead of half-inch-thick pads, but it was  
112 obvious to me that the pads were worn thin. When I asked Wilson about the pads, Wilson  
113 indicated that the pads had not been replaced since opening. Foam padding over time  
114 compresses. Think about your average seat cushion at home. It is thicker by far than the safety  
115 pads we are talking about. Even still, these cushions compress over time from use and must be  
116 replaced. It is no different with mats on a trampoline surface. In fact, it is even more important to

117 replace these mats far more often than a seat cushion at home. They undergo far more weight and  
118 stress of impact from people falling on them, stepping on them to get to the trampoline surface  
119 and so on. Without a set schedule to replace these mats, their ability to protect someone like  
120 Wade Stark from the hard metal and springs beneath is greatly impaired.

121 When the totality of the circumstances is considered, the combination of a child being in an area  
122 with older and larger people, inadequate staffing, lack of trained first responders onsite, the high-  
123 risk nature of trampoline dodgeball, and safety mats which have never been replaced, it is logical  
124 to conclude that the death of Wade Stark was the direct responsibility of Springs Park. Springs  
125 Park should compensate the Stark family for the loss of their child, Wade Stark.

126 I have reviewed this statement, and I have nothing of significance to add at this time. The  
127 material facts are true and correct.

Signed,

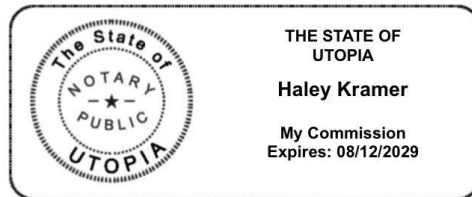
Mills Barton

Mills Barton

Haley Kramer

Haley Kramer, Notary State of Utopia

My Commission Expires: 08/12/2029



## AFFIDAVIT OF SIDNEY WILSON

1 My name is Sidney Wilson, and I own three Springs Park locations. Some people try to call me  
2 Sid, but I prefer Sidney. I am 55 years old, and I have lived in Utopia all my life. I went to public  
3 schools in Florence, and then went to Francis Marion University, where I majored in  
4 Environmental Science. It was a wonderful school and program which allowed me to be  
5 outdoors during my college days. I moved to Meadow Bay after college and have been here for  
6 over 30 years. I love kids and love entertaining them. Personally, I have four kids, and we  
7 thoroughly enjoy being active. I have worked with kids in one way or another since I was a  
8 teenager and took a job as a counselor at Camp Don Lee.

9 After moving to Meadow Bay, I worked as an environmental safety officer for the local textile  
10 company. I spent my time split equally between the office and being out and about at different  
11 facilities. My job was to make sure all the Occupational Safety and Health Administration  
12 (OSHA) and Department of Health and Environmental Control (DHEC) rules were always  
13 complied with. In making textiles, like someone's shirt for example, there are tons of different  
14 chemicals and machines in use. Each has its own set of regulations. We certainly would not want  
15 to do anything to pollute our amazing town.

16 In 2014, while still working textiles, I started thinking about the Walmart that closed near my  
17 home. The store moved to a newer and bigger location across the street, leaving an empty  
18 building sitting abandoned. Larger cities have more opportunities like trampoline parks, rock  
19 climbing and the like. I said, "Why not us?" and that is how Springs Park got its start. I  
20 purchased the old Walmart on West Maple Drive and started converting it into a trampoline park.  
21 I worked another year before officially opening Springs Park in 2015. I love exercising in  
22 different ways and trampoline parks, like Springs Park, are an amazing way for kids to exercise  
23 without knowing it. I feel like trampoline parks help fight the obesity epidemic in our country.  
24 Being a small business owner is tough. I put everything I had into getting the first location  
25 opened. A lot goes into operating a trampoline park. It is not just putting in some trampolines  
26 and saying "Hey, we are open for business." There is research on what equipment to buy, what  
27 type and thickness of mats to use, how to maximize space, how to fit within existing regulations  
28 like fire codes and so on. I am big on following the rules, so a lot of time went into figuring out  
29 what rules existed. Shockingly in the United States, there really are no regulations about  
30 trampoline parks. I did the next best thing I could do to operate the trampoline park with safety  
31 in mind, which was to join the International Association of Trampoline Parks (IATP) for  
32 guidance. I have been a member since 2014.

33 The IATP does a great job explaining to its members what the best practices are for the sport of  
34 trampolining, and gives legal, safety, and business guidance. I have followed every IATP  
35 guideline in running Springs Park. While I started out with one trampoline park, I now have three  
36 locations. The first one opened in 2015, and business exploded from the moment we opened the  
37 doors. As I can tell you from my own experience, everyone of all ages wants to jump on a

38 trampoline and being indoors with regulated temperatures makes it so much more enjoyable. In  
39 the dead of winter or in the heat of summer, we are open and perfectly regulated at 72 degrees.  
40 Shortly after opening, I started thinking about adding a second location. Within two years, I  
41 bought an old Bi-Lo building and opened the second park. The third park was added in 2021,  
42 also an old Bi-Lo.

43 Regarding trampoline parks, they are designed in such a way to maximize the use of space. Most  
44 trampoline parks are located in vacant buildings, such as old grocery stores or large box stores  
45 like Walmart. This is beneficial for a few reasons. First, it repurposes older buildings and  
46 prevents vacant storefronts, while reducing crime. Second, it massively saves on construction  
47 costs. Third, it allows trampoline parks to integrate into the local community as it already exists,  
48 which makes us easy to find and centrally located in common places.

49 All my locations are set up the same way, and look exactly like the Springs Park diagram,  
50 marked as Exhibit #6. This consistency makes it easier for the customers coming into different  
51 locations of Springs Park, but more importantly it makes it easier for me to shuffle staff around  
52 the three locations. With everything laid out the same way, there is no learning curve for staff  
53 members or customers in figuring out where things are located. By repurposing buildings, we  
54 have plenty of interior space with high ceilings, so the process of setting up the crawl space and  
55 elevated hallways for the different types of jump zones was easy. We have five Basketball Slam  
56 Zones, five zones for foam block pits, and even a dedicated trampoline and observation area for  
57 two- to four-year-olds. To top it off, our biggest draw is the trampoline Dodgeball Zones. Each  
58 Dodgeball room has eight trampoline mats that measure 16 feet x 16 feet each and can hold a  
59 maximum of six people per mat.

60 I have been considering a fourth location a little further out in the suburbs. Jordan Banner has  
61 been actively campaigning for me to open a fourth location and wants to be more than a facility  
62 manager. Jordan wants to be a full partner at the fourth park. Jordan has been such a great leader  
63 at the West Maple location that I would have no problem being in business with Jordan. It might  
64 even be my first opportunity to start a franchise. Jordan was a great hire and has been successful  
65 in many different roles. Of my three locations, I never worry about West Maple because Jordan  
66 is in charge.

67 With multiple trampoline parks open, I am constantly bouncing from site to site. I visit each  
68 location every single day. With my first park, I worked seven days a week. Once I opened the  
69 second and third location, I thought it was best to make sure there was at least one day of rest for  
70 everyone. As of now, we are open Tuesday through Sunday from 11am to 9pm and closed  
71 Mondays. Checking every park daily can be physically demanding, but it is important for me to  
72 know what is going on at each location and to have those one-on-one interactions with staff and  
73 customers.

74 Once we purchase a building and it is reconfigured to a trampoline park, we work to equip it  
75 properly. All the mats and springs purchased are the best quality on the market. High tension

76 springs get a better bounce, and the springs last much longer than standard. We used upgraded  
77 protective mats at the edge of the jump surface as well. Standard pad thickness considered  
78 acceptable by IATP is half-inch-thick pads with one-inch overlap onto the jump surface. Overlap  
79 onto the jump surface means they cover all the springs and at least one inch onto the jumping  
80 area. As an extra precaution, the pads for all my parks are one inch in thickness covering the  
81 springs and overlapping the jump surface by four inches. By doing this, it greatly decreases the  
82 chances of an injury from a pad shifting out of place – not to mention the mats are twice the  
83 recommended thickness.

84 The better trampoline parks – and certainly mine – have numerous staff members on hand to see  
85 to our guests’ safety with a minimum of fourteen staff working at any given time at each of my  
86 parks. IATP recommends one staff person per jump zone, and at least one staff member floating  
87 from zone to zone. There are monthly staff meetings and employee training to include annual  
88 Cardiopulmonary Resuscitation (CPR) / First Aid training and refreshers, customer service  
89 lessons, and training on how to spot dangerous behaviors that may escalate to injuries. All in all,  
90 every new employee receives 40 hours of training shadowing another employee when they start,  
91 and then over the course of every year I spend at least 20 hours of time per employee on the  
92 various trainings. At fifteen dollars per hour for my average employee pay, that is three hundred  
93 dollars per year / per employee I am spending training staff to be the best they can be. That is  
94 certainly a cost outside of normal operations. The cost is worth it to make a safer environment  
95 for our guests.

96 All good trampoline parks like mine also have a color-coding wristband system based on the  
97 guests’ age. For my parks, 2–4-year-olds wear green, 5–8-year-olds wear yellow, 9–12-year-olds  
98 wear red, and everyone 13 years–and–up wears blue. We do not have any age restrictions other  
99 than children less than two years of age cannot participate. IATP does not recommend children  
100 under two at trampoline parks as their bones are not developed enough to handle bouncing.  
101 Different areas of the park are designated by the corresponding color. This is a good way to  
102 make sure that younger guests do not get trampled on by the older ones or bounced too high. My  
103 staff gently reminds and removes people from any area not matching their color-coded  
104 wristband.

105 The IATP recommends every member park have posted rules, signed liability waivers, and  
106 adequate staffing. The park’s safety rules, which are marked as Exhibit #2, are posted at each  
107 location. In the beginning, the liability waiver forms were done in person by initialing and  
108 signing; and then filed by staff. The Springs Park Liability Waiver Form is marked as Exhibit #3.  
109 Four years ago, we switched to video display boards in addition to the posters to show both the  
110 rules and sample waivers. The rules are standard to those recommended by the IATP. All  
111 waivers were then done on iPads stationed throughout the entryway. The great thing about the  
112 iPads is that they automatically file the liability waiver form based on the last name typed in the  
113 form. The information then goes to a storage server and if there were ever any questions, we  
114 could easily find the waiver. If anything went wrong with the iPads, we could always go old

115 school and have guests physically initial and sign the Springs Park Liability Waiver form. The  
116 waivers were drafted by my attorney and then submitted to the IATP. No one there ever objected  
117 to any of the wording. I am smart enough to know I should not try to create a legal document  
118 myself. I figured if the attorney did the waiver, everything in it should be legal.

119 Prior to Wade Stark's death, I have never had any injury resulting in a lawsuit. Sure, there have  
120 been, and we will continue to have, minor injuries, which happens with almost any business.  
121 Look at grocery stores, for example, where customers report having slipped or fallen off curbs  
122 with their grocery carts. I bet there are a higher number of injuries at grocery stores than at my  
123 trampoline parks. The injuries that happen most often at trampoline parks, including my own, are  
124 people crashing into each other up in the air while jumping. Air bumping usually results in  
125 obvious bumps, bruises, and the occasional bloody nose. Outside of that, we get the occasional  
126 sprained ankle, or dislocated finger from a guest falling badly. There are always staff members  
127 onsite who are trained in first aid. We have ice packs and ace bandages for those emergencies. In  
128 fact, the Springs Park Injury Record from January to June 2023, which is marked as Exhibit #1,  
129 is on hand for review. As part of the IATP standards, we keep a copy of our injury records at  
130 every location. The data is available for anyone that wants to request it for review. The number  
131 and types of injuries on Exhibit #1, except for this unfortunate death which has only occurred  
132 once, is about average for my complexes as well as other trampoline parks that are members of  
133 IATP. In addition to our training and liability waivers, either a facility manager or I conduct  
134 daily checks of the equipment at all locations. These inspection checks ensure everything is in  
135 good working order, and mats completely cover springs and other hard objects. The inspections  
136 also prevent the type of injury we are accused of having caused in this case. A copy of the  
137 Springs Park Daily Safety Checklist for April 22, 2023, from the day of Wade Stark's death, is  
138 marked as Exhibit #9.

139 I was not at the West Maple location when Wade Stark's accident occurred. The only  
140 information I have is what was provided to me by facility manager Jordan Banner. Jordan  
141 followed every protocol we have in place by calling 911, clearing out the building after the  
142 incident had occurred, and then calling me immediately after shutting down the place. I left for  
143 the West Maple location as quickly as I could and arrived at the end of Jordan's staff debriefing  
144 meeting. Jordan's handling of such a horrible accident was exemplary. I had been by that  
145 morning to check on my staff prior to opening. When I was there, all display boards, iPads, Wi-  
146 Fi, and digital servers were up and running properly. Had I known the equipment was down, I  
147 would have instructed my staff to curtail the number of people coming in the door, and  
148 reallocated additional staff from the other two locations to serve as greeters in order to get the  
149 waivers properly read and signed. I was told after the fact that we were two staff members short  
150 that day. Being short staffed meant we did not have a floating staff member to go room to room  
151 and we did not have a staff person at the front taking their time getting payment and waivers  
152 signed. Jordan was handling the task of floating from room to room in addition to serving as  
153 manager, which is another thing I like so much about Jordan's willingness to take care of any

154 task. I hate we were a little short staffed, but we had everyone in the appropriate places. I do not  
155 know why or how Wade Stark was in a jump zone with the incorrect wristband. Jordan and I  
156 have talked about the importance of keeping everyone in the correct zone. Wade Stark could  
157 have been concealing the wristband under his long-sleeved t-shirt that I was told he was wearing  
158 that day. Wade's height made him look older than he was, so it is possible if he was hiding the  
159 wristband, he would not have stood out as being in the wrong zone.

160 Later that evening, I located Wade Stark's liability waiver form, marked as Exhibit #3, and I  
161 reached out to Wade's parent to check on his condition. It was at that time that Dakota Stark  
162 informed me that Wade had died. Of course, I was devastated and expressed my condolences. I  
163 contacted my attorney that same evening. I knew with a death, even though we were not in the  
164 wrong, I would need to be sure they were informed. I closed the facility on Sunday until the  
165 incident could be investigated.

166 Based on my prior business experiences, I knew that it would be important to investigate what  
167 happened as soon as possible, while the facility was still closed to the public and undisturbed.  
168 Having been a member of the IATP for many years, I have come to know some well-respected  
169 safety experts regarding trampoline parks. Thus, I contacted Bailey Parker of Safety Defense  
170 Risk Management (SDRM) to do an assessment of the West Maple location. On Monday, April  
171 24<sup>th</sup>, Parker was in my office at the that location conducting a review of everything that occurred  
172 on the day of Wade Stark's death. We spent some time walking through the chain of events and  
173 looking at the equipment in question. Everything checked out and complied with IATP  
174 recommendations.

175 Sunday's local newspaper reported on Wade's death, indicating he was at a soccer championship  
176 earlier in the day. It said Wade sustained a soccer injury and continued to play with the team  
177 which won the championship. The team celebrated their victory by going out for pizza and then  
178 to Springs Park. Wade Stark was seriously injured at the trampoline park, transported to the  
179 hospital, and died. I think Wade Stark's previous injury playing soccer that same day contributed  
180 to his fall and death at my park. I know our mats were of the correct thickness and in the right  
181 places. They do not need to be replaced like your typical chair mat because impacts are all over  
182 the place and not in a single spot. Our mats have not needed replacing since Springs Park  
183 opened. Our Springs Park Daily Checklist is marked as Exhibit #9, and clearly shows everything  
184 was checked. After the lawsuit was filed, Dr. Barton came out and met with Jordan and me about  
185 the accident. We took Dr. Barton and showed him the Dodgeball Zone 13-and-up. We also  
186 pointed out that we have extensive safety rule signage in the facility.

187 I truly believe it was an accident. Just that, an incident outside of anyone's control and outside  
188 the ability for anyone to lay blame. If any blame were to be laid, it would be at Wade Stark's feet  
189 for violating the rules and being in the wrong jump zone with older guests.

190 I have reviewed this statement, and I have nothing of significance to add at this time. The  
191 material facts are true and correct.



Signed,

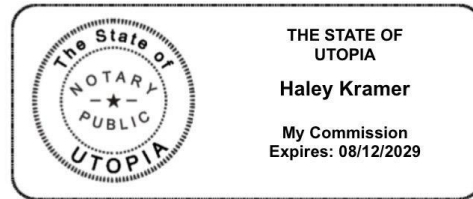
Sidney Wilson

Sidney Wilson

Haley Kramer

Haley Kramer, Notary State of Utopia

My Commission Expires: 08/12/2029



## AFFIDAVIT OF JORDAN BANNER

1 My name is Jordan Banner. I am 25 years old. I was born in Westminster, Utopia and we moved  
2 to Meadow Bay when I was 11 years old. I am the facility manager at Springs Park, the West  
3 Maple location. I earned my bachelor's degree in business from the University of Utopia. I have  
4 been working for Sidney Wilson at Springs Park since I was 16 years old. From the first time I  
5 went to Springs Park, I knew I wanted to work there. It was a fun place to be, and still is. I had  
6 been to Springs Park so often, that I knew the place like the back of my hand. Sidney  
7 remembered seeing me there so much that hiring me was an easy decision. When I started, there  
8 was only one Spring Park location on West Maple Drive, which is where I work. Within one  
9 year, Sidney had a second location open, so business was booming. Sidney is a great boss, letting  
10 me schedule as many hours as I could fit into the week working around my high school and  
11 college schedules before I went full-time after college. The hours are great. Springs Park is now  
12 open Tuesday through Sunday, 11am – 9pm. Sidney even has monthly incentive bonuses for  
13 increased monthly pass sales.

14 Working at Springs Park is probably part of why I decided on pursuing a degree in business. My  
15 goal was to eventually own and operate my own trampoline park. I already knew all the rules,  
16 and had read and signed the waiver form many times before ever being employed there. The  
17 safety rules are on several digital display boards as well as big posters. Both of which are posted  
18 in all the hallways, the vending and seating area, and in the employee breakroom. The Springs  
19 Park Safety Rules poster looks exactly like the one marked as Exhibit #2. The Springs Park  
20 Liability Waiver Form is marked as Exhibit #3 and is exactly the same on the iPads as well as  
21 the hard copy forms. Everyone must initial and sign the liability waiver form either digitally or  
22 using a hard copy before enjoying the park. We assume everyone is truthful when signing and  
23 completing the waiver. We do not verify ages unless there appears to be an issue.

24 Obviously, once I started working, I learned there was a lot more to keeping a trampoline park  
25 running smoothly than knowing where everything was. At first, I worked up front making sure  
26 people read and signed the waiver forms. Later, I learned to be one of the watchers in the  
27 different trampoline rooms. After mastering being a watcher, I became one of the roaming  
28 supervisors, moving around throughout the building to cover extra crowded rooms and to  
29 provide breaks for the watchers. Beyond that, the only job left was to serve as the facility  
30 manager, which is what I do now. There are a lot of long hours working as a facility manager,  
31 which often has me working before opening and after closing. But it is worth it to have a  
32 smooth-running place where people can have lots of fun and exercise. There is also a lot of  
33 cleaning. Everyone from facility manager to watcher to front-of-house customer service does  
34 their share of cleaning: wiping down iPads, tables, etc. It seems like we go through gallons of  
35 hospital grade disinfectant spray and wipes every week in addition to what the nightly cleaning  
36 crew uses. If someone touches something, we clean it, often more than once, which is the key to  
37 keeping the place disinfected and germ free.

38 Being a watcher in those rooms is far more important than anyone would normally think about  
39 the job. It requires paying attention to a lot of different things all at the same time. The first thing  
40 to consider is keeping an eye on the total number of people coming and going from the room.  
41 This is important both for fire code issues, as well as the International Association of Trampoline  
42 Parks (IATP) rules for maximum capacity. Sidney is always serious about keeping under those  
43 numbers. When at capacity for dodgeball, there can be as many as six people on any one  
44 trampoline. There are eight trampolines in a dodgeball room. A dodgeball trampoline measures  
45 16 feet by 16 feet. The watchers have to keep a look out to be sure only people with the right  
46 colored wristband are in the correct room. There are a lot of times when younger kids try and  
47 sneak into the older zones because they know they can bounce higher and the competition at  
48 dodgeball will be tougher. When that happens, the kids are escorted back to the appropriate zone  
49 and issued a verbal warning. On the second offense of being in the wrong room, they are asked  
50 to leave the park. Finally, the watchers in any given room have to be engaging with the guests in  
51 the room. Watchers are there to encourage participants to be mindful of the rules and to further  
52 ensure that everyone has a fun and safe experience. On many occasions, I have pulled a  
53 misbehaving guest out of a jump room to take a rest in the hallways and reflect upon their  
54 behavior before returning to the age-appropriate zone.

55 Sidney is very proud of Springs Park's growth to three locations. Prior to this lawsuit, and  
56 hopefully after it as well, Sidney wants to open a fourth location. I am hoping to become an  
57 operating partner for the new location and operate it as my own. Fortunately, I have been saving  
58 a lot money living at home while working. It would be the first franchise location for Springs  
59 Park. I love my community and trampoline parks. I could not see myself doing anything else.

60 Regarding the lawsuit, I was working as the facility manager for Springs Park located at 141  
61 West Maple Drive in Meadow Bay the day Wade Stark had the accident. A layout of the facility  
62 can be seen in the Springs Park Diagram, which is marked as Exhibit #6. The floor plan for the  
63 West Maple location is exactly the same for the other two locations. This location is an old  
64 Walmart and the other two are closed Bi-Lo stores. The day in question was Saturday, April 22,  
65 2023. I started the day conducting a brief staff meeting, which Sidney also attended. Sidney  
66 makes a point of visiting every location, every day, and April 22nd was no different. Sidney and  
67 I met for a few minutes before anyone else arrived. As the facility manager, I always arrive early  
68 in order to personally conduct the safety inspection of the building and the jump rooms,  
69 something I do every day. At that time, everything was in working order. Most of the safety  
70 checks have to be done from beneath the jump zones by going room to room in the crawl space  
71 with the underlighting turned on for visual checks. As I said, nothing was out of the ordinary and  
72 no problems were noted on the Springs Park Daily Safety Checklist for April 22, 2023, which is  
73 marked as Exhibit #9.

74 Sidney and I talked for a little while, and we greeted the other employees coming in the door.  
75 Sidney left about 30 minutes before we were slated to open at 11 am. When it was about five  
76 minutes before opening, I noticed we were short a couple of people. I reallocated the two

77 roamers to work individual rooms as watchers. I figured I would help handle the front end with  
78 the one other staffer. I would also end up serving as the floater for the day, which was no big  
79 deal. It got a little more complicated when the TV display screens and iPads went down around  
80 noon. Apparently, the server that controls our front-end TV monitors displaying the waivers  
81 went down. Fortunately, the monitors in the vending and seating area were still up and running in  
82 addition to the payment server. There is, of course, a contingency plan for when the displays go  
83 down, so the two of us up front grabbed the loaded clipboards to get waivers signed. We were  
84 rushed for a while with this added complication. Most everyone had been to the park before and  
85 simply signed at the bottom after initialing the form. The liability waiver form looks like the one  
86 marked as Exhibit #3. I do not remember telling anyone they did not have to read the form  
87 before signing. It would be irresponsible for anyone to sign a document like a liability waiver  
88 without reading it first. We had a lot of guests coming in pretty much from the time we opened  
89 until Wade Stark's accident.

90 Once things were calm up front, I started moving around checking on all of the rooms, the  
91 guests, and staff members. Each time I got to the Dodgeball Zones, I encouraged everyone in a  
92 friendly way to play harder. Everyone likes a little encouragement, and it makes it more exciting.  
93 I made two walk-throughs of the building prior to Wade Stark's accident.

94 I was on my third round of walking the building and about to start setting up a break rotation  
95 with the staff a few minutes after 4pm. That is when I heard all the noise in the whole place  
96 abruptly stop. I got the feeling that something bad had happened when all I heard was quiet. I  
97 heard a voice calling for help and I now know this voice was Robin Hill's. I ran down the  
98 hallway to the 13-and-up Dodgeball Zone. When I got there, I saw someone, now identified as  
99 Wade Stark, lying at the edge of the jump surface and the mats, which cover the springs and  
100 framing. His head looked to be at an odd angle. I immediately started our safety protocol. I had  
101 the watcher in the room have everyone carefully and slowly move to the side and edges of the  
102 room. This was done to minimize the movement and bouncing on the trampoline where Wade  
103 was laying. I recognized Robin Hill as one of our regular guests, who was sitting on the mat  
104 close to Wade. I carefully went over to Wade since he was not moving. I pulled his long sleeve  
105 gray t-shirt up to check his pulse and noticed he was wearing a red wristband. I instantly knew  
106 Wade was in the wrong jump zone. Unfortunately, Wade had a very weak pulse. I immediately  
107 dialed 911, called in the injury, and asked for Emergency Medical Services (EMS) to hurry,  
108 giving them our location. The 911 transcript, marked as Exhibit #4, has me as the caller. Wade  
109 Stark's parent came into the room with a young child about the same time as I was calling 911.  
110 His parent was kneeling beside Wade when EMS arrived.

111 Once Wade was transported by EMS, I got on the portable radio to all staff announcing we were  
112 closing due to safety reasons for the rest of the day, effective immediately. We calmly asked all  
113 guests to head for the exit. I closed the place so we could review everything and address what  
114 happened. We checked the building once everyone was out to be sure no one had been missed.

115 We checked out the room where the accident happened. There really was nothing that could have  
116 been done any differently and nothing came up on the safety re-inspection.

117 After clearing out the building and before conducting the re-inspection, I called to inform Sidney  
118 about the accident. Once the re-inspection was done, I sat all the staff down to talk through what  
119 happened. This was an opportunity for everyone to say what they saw and for the staff in the  
120 room where the accident happened to talk through the emotions they were feeling. I did not see  
121 the fall or what led up to the fall. Yes, we have video cameras throughout the facilities. However,  
122 the cameras are for real-time video for the parents to observe in the vending and seating area.  
123 The only cameras in the facility with recording capability are in the main office and by the cash  
124 register up front. Everyone has cell phones these days, but no one came forward with photos or  
125 videos of the accident.

126 Sidney arrived a few minutes before we wrapped up the staff debriefing, and we sent everyone  
127 home after the meeting. Sidney and I discussed the situation at length as well. We personally  
128 rechecked the mats and hardware for a second time under the jump area in which Wade fell.  
129 Everything was in good operating order and the mats were secured correctly to the springs and  
130 trampoline frame. Before leaving for the day, I made sure to complete the Springs Park Injury  
131 Record Form, which is marked as Exhibit #1. I mentioned that I had noticed Wade was wearing  
132 the wrong color wristband to have been in that zone. I do not know how he got in the Dodgeball  
133 Zone 13-and-up. Our staff is always careful to watch for the colored wristbands when guests  
134 come into each room. From the way it was described, I think the accident could have happened  
135 in any of the Dodgeball Zones. This type of severe accident has never happened before in any of  
136 the Springs Park locations. Sadly, this was one of those unfortunate accidents that lets us see how  
137 frail the body really is.

138 I have reviewed this statement, and I have nothing of significance to add at this time. The  
139 material facts are true and correct.

Signed,

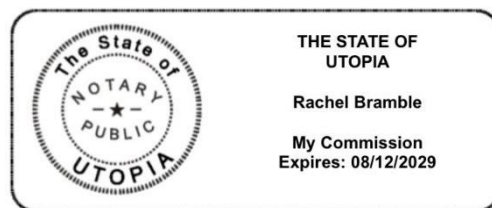
Jordan Banner

Jordan Banner

Rachel Bramble

Rachel Bramble, Notary State of Utopia

My Commission Expires: 08/12/2029



## AFFIDAVIT OF BAILEY PARKER

1 My name is Bailey Parker. I am 54 years old. For the past ten years, I have been working as an  
2 independent safety consultant for a company I call Safety Defense Risk Management (SDRM). I  
3 am based in Billings, Montana. Prior to my current position, I was in the insurance business a  
4 long time. I live in Billings with my spouse of 30 years and my not so sweet mother-in-law. I  
5 went to the University of Montana for my undergraduate degree in Mechanical Engineering.  
6 Safety consulting is not a degree that can be obtained at college. I have supplemented my degree  
7 with several certifications, including a Master's Certification from the National Casualty and  
8 Risk Assessment Center, as well as the coveted Gold Certification from the Utopia Commission  
9 on Risk Assessment. I just happened upon a job in insurance one summer during college and was  
10 with the Sweet Water Insurance Company (SIC) until I started my independent risk management  
11 consulting company. The insurance company was good to me. I truly enjoyed what I did guiding  
12 people through the insurance process. I like being prepared for everything and helping people  
13 prepare for the unexpected. When I first worked in insurance there was a lot I could do while not  
14 being a licensed insurance agent like billing, in-take calls, and processing claims. It was right  
15 after college that I started studying for the insurance boards. I got certified as an insurance agent  
16 in Montana about two weeks after I turned 21.

17 Once certified, I did about every imaginable task in the insurance field. I worked as a local agent  
18 in sales and customer service. I worked as a home and auto claims adjuster. I have been an  
19 agency branch manager, and a regional manager. I transitioned to the corporate side of claims  
20 and often saw cases like this one involving Wade Stark here in Utopia. I must say, I liked  
21 working the corporate side of claims far better than individual claims. Corporate claims are much  
22 easier and less emotional – usually – than with individual client losses. But there is certainly a lot  
23 of emotion with this case.

24 About ten years ago, I decided to leave the insurance business and opened an independent risk  
25 evaluation business (SDRM), to help business owners assess potential areas of exposure and to  
26 educate them on best practices for maintaining a safe environment in facilities across various  
27 industries. Given my background and experience with investigating losses and providing risk  
28 assessments, I saw consulting as a natural fit to help clients take steps at loss prevention. I also  
29 joined the Utopia Loss Prevention Trade Association. A few years ago, SDRM was hired to  
30 provide expert recommendations at two meetings held by the International Association of  
31 Trampoline Parks (IATP). I spoke about the IATP recommendations for operating facilities  
32 safely and I discussed my war stories of the handful of trampoline injury cases that I investigated  
33 while I was still working at SIC, before I started my consulting business. None of those cases  
34 involved deaths, but I did have some severe neck, leg, and arm injury cases.

35 I first met Sidney Wilson at one of the IATP conferences a few years ago. Sid came up for an  
36 introduction after my presentation on trampoline parks and was very friendly and seemed eager  
37 to hear more about facility safety. We hit it off and ended up grabbing dinner together and

38 continued to talk about the industry. Sidney was very engaged, and I could tell safety at their  
39 trampoline parks was a priority for Springs Park. I even visited Sidney from time to time and had  
40 toured all the Springs Park locations. Sidney was very proud of their track record for safety and  
41 had showed me all their safety and risk measures, even how they retained and organized all the  
42 historical safety records. I think Sidney was proud to show me how they were “on top of it” with  
43 all the IATP recommendations. Even with all that, Sidney wants to do better. With a fourth  
44 Springs Park location on the horizon, Sidney and I have talked about the possibility of Sidney  
45 hiring me in a more regular consulting role. We haven’t firmed that up yet, but I expect that it  
46 will get worked out once this case is resolved.

47 On the night of April 22, 2023, I received a call from Sidney Wilson about an accident that had  
48 just happened at one of their trampoline parks. Sidney seemed devastated because a young boy  
49 had died after an injury at one of the Springs Park facilities. They didn’t feel like anything was  
50 unsafe about the park but wanted to hire SDRM to investigate. Springs Park contracted with  
51 SDRM to investigate the incident and provide an expert assessment. I wished all of my risk  
52 assessment clients were as organized and courteous as Springs Park. Springs Park has always  
53 been up to date on everything asked of them. Appropriate signage of both risk and rules are  
54 posted throughout their facilities. Their safety rules appear as posters and on digital display  
55 boards, which are marked as Exhibit #2. I know this because I basically did an informal  
56 evaluation of their facilities to assess their risk during one of my earlier visits, prior to this  
57 incident. The Springs Park Diagram of the facilities is marked as Exhibit #6. Springs Park is  
58 divided into multiple entertainment areas to include an arcade and vending and seating area for  
59 the guests. It also has a basketball slam zone section, a foam block pits section, the trampoline  
60 dodgeball section, and I especially like the trampoline area for the little ones with the observation  
61 room. Each section is broken down by age group. I wish I had a Springs Park near my house,  
62 because I would love to take my first grandchild and watch from the observation room.

63 Having safety rules is very important for a place like Springs Park. The signage says, “Springs  
64 Park is a fun and healthy activity for just about any age, shape, or ability.” Sidney Wilson, the  
65 owner, even goes above and beyond the basic requirements of safety by being a member of the  
66 IATP. Sidney Wilson is constantly attending conferences to learn more about safety and saves  
67 the agendas for proof of attendance. The staff at Springs Park conduct daily safety checks, an  
68 example of which is marked as Exhibit #9, as well as maintaining a running list of injuries no  
69 matter how minor. Tracking this information helps me, and others like me, assess the overall  
70 likelihood of an accident at Springs Park, but also provided me with valuable information about  
71 this particular accident.

72 The injury record for the time period in question is from January to June 2023, is marked as  
73 Exhibit #1. Prior to lawsuit, Springs Park has never had a lawsuit of any kind filed against them.  
74 Not to mention, no one has ever been injured badly enough to require 911 assistance.

75 Of course, IATP recommendations require Springs Park to have initialed and signed liability  
76 waivers as a way to protect them in case a question of liability comes up. The Springs Park  
77 Liability Waiver Form is marked as Exhibit #3. The liability form covers multiple things and not  
78 just injuries. It includes release of liability and indemnification, which basically means Springs  
79 Park is not responsible for any harm or loss. The waiver form also includes consent to any  
80 attorney's fees, release for photos, expresses an understanding of the liability form and  
81 acknowledges Utopia laws will apply should a lawsuit be filed.

82 My direct involvement with this case started on April 22, 2023. As I mentioned earlier, I was  
83 contacted by Sidney Wilson that evening. Sidney Wilson reported that an injury resulting in  
84 death occurred on the property and was worried a claim against Springs Park was likely. As  
85 mentioned above, Sidney asked me to work with Springs Park as the independent investigator to  
86 the West Maple location. I understand that the trampoline park stayed closed on Sunday and  
87 Monday, so the facility was in the same condition when I showed up. I arrived Monday  
88 afternoon, April 24<sup>th</sup> and began working the site immediately. I met with Sidney Wilson at  
89 Springs Park, and we walked and talked through the incident. We examined the Dodgeball Zone  
90 for 13-and-up, the equipment underpinning the bounce surfaces for that room, and we went  
91 through the Springs Park Daily Safety Checklist for April 22, 2023, marked as Exhibit #9. It was  
92 not only clear that Wilson's staff did a daily safety check of all rooms in the facility, but that the  
93 room in question was re-checked by the facility manager, Jordan Banner, and again by Sidney  
94 Wilson. No problems were found with the equipment in the inspections.

95 We looked at the waiver form signed by Dakota Stark on April 22, 2023, for Wade Stark.  
96 Everything seemed in order that Springs Park was protected from liability. Once the lawsuit was  
97 filed, I was informed that Dakota Stark claimed to not have been able to read the waiver before  
98 signing the form. Exhibit #3 clearly shows that Dakota Stark signed the form. No one should  
99 ever sign a liability waiver form without reading it first. Since this one was signed, I assumed  
100 Dakota Stark, as a responsible parent, read it before signing. Signing a liability waiver form  
101 should not be taken lightly. A few days later, I reviewed the 911 transcript for April 22, 2023,  
102 which is marked as Exhibit #4. In reviewing the transcript, the staff member identified as Jordan  
103 Banner did a good job conveying relevant information and appeared to handle things in a very  
104 professional manner.

105 Based upon all the information provided to us, including the liability waiver signed by Dakota  
106 Stark, I advised my client, Springs Park, that the fault was not with Springs Park for the  
107 unfortunate accident, but with the individual using the trampoline park. It is tragic that Wade  
108 Stark died, but a waiver was signed, and he was in a bounce area that he was not supposed to be  
109 in based on his age. Perhaps the staff on duty should have been more careful to recognize he was  
110 in a place he did not belong, but people in general need to take far more responsibility for their  
111 actions. Not every accident has someone at fault. Not every injury can be prevented. If someone  
112 asked, could the same injury have occurred had Wade Stark been in the correct area? The answer  
113 is absolutely. Did being in the wrong room increase the risk of injury? Absolutely. Did Dakota



114 Stark sign a waiver absolving Springs Park of liability? Absolutely. There is nothing more I can  
115 say other than it is not Spring Park's responsibility to compensate the Stark family for the death  
116 of their son and Springs Park was not at fault in causing the death of Wade Stark.

117 I have reviewed this statement, and I have nothing of significance to add at this time. The  
118 material facts are true and correct.

Signed,

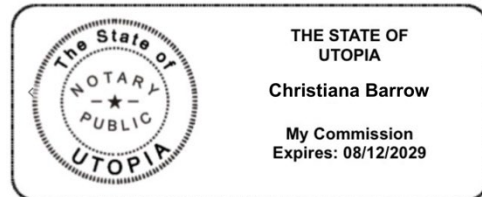
Bailey Parker

Bailey Parker

Christiana Barrow

Christiana Barrow, Notary State of Utopia

My Commission Expires: 08/12/2029



EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. Therefore, the Court will not entertain objections to the authenticity of these trial exhibits. The parties have reserved any objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either party, subject to the Rules of Evidence and the stipulations of the parties contained in the materials.

#	EXHIBIT LIST and DESCRIPTION
1	Springs Park Injury Record from January to June 2023
2	Springs Park Safety Rules Signage
3	Springs Park Liability Waiver Form
4	911 Transcript from April 22, 2023
5	Coroner's Report on Wade Stark
6	Springs Park Diagram
7	Curriculum Vitae for MILLS BARTON, M.D.
8	Curriculum Vitae BAILEY PARKER
9	Springs Park Daily Safety Checklist for April 22, 2023

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on other evidentiary issues.

**EXHIBIT #1: Springs Park Injury Record from January to June 2023**

Spring's Park Injury Record 1/1/2023-6/30/2023						
Date	Time	Injured	Employee Recording injury	Type of Injury	Assistance provided	911 Called
1/31/23	6:45pm	Joe Swick	Jordan Banner	Skinned Knee	Provided Neosporin and 3 bandaids	No
2/7/23	7:19pm	Luke Wilson	Courtney Gray	Twisted Ankle	gave ice pack & ace bandage	No
2/15/23	8pm	Callen Toscano	Jordan Banner	sprained ankle	provided ice pack + ace bandage	no
2/23/23	5:16pm	Brad Bannon	Emma Daum	wrist injury	provided ice pack and ace bandage	no
3/3/23	8:15pm	Sharika Tims	Tom Salas	scraped hand	gave neosporin and bandaid	no
3/5/23	4:45pm	Sandy Evans	Anna Myers	finger injury	provided ice pack	no
3/18/23	11:40pm	Casey Biddle	Lillian Bramblett	twisted Ankle	gave ice pack + ace bandage	NO
3/24/23	10:45 Am	Ty Andrews	Evan Day	Bloody nose	provided cotton packing, cleaned jump room	No
4/20/23	6:35 pm	Emma Daum	Jordan Banner	wrist injury	provided <sup>thoroughly</sup> ice pack + bandage	No
4/22/23	4:06 pm	Wade Stark	Jordan Banner	Neck injury	stopped all movement on court, called 911 closed location	YES
4/30/23	1:15pm	Joel Miller	Lillian Bramblett	skinned Knee	gave neosporin and 2 bandaids	no
5/3/23	7:40pm	Shannon Smith	Emma Daum	dislocated finger	provided ice pack	no
5/27/23	8:10pm	Joe Swick	Emma Daum	twisted ankle	gave ice pack + ace bandage	no
6/2/23	7:50pm	Max Adams	Evan Day	Cut on finger	provided neosporin and 2 bandaids	no
6/14/23	6:45pm	Mary Clark	Chaz Robino	Knee injury	gave Mary Ice pack + ace bandage	no
6/21/23	5:25 pm	Abby Jones	Jordan Banner	Bloody Nose	Gave cotton packing closed jump room cleaned thoroughly	No
6/23/23	5:00pm	Chris Palmer	Anna Myers	twisted ankle	Gave ice pack and ace bandage	no

## EXHIBIT #2: Springs Park Safety Rules Signage

### SPRINGS PARK SAFETY RULES

1. DO NOT jump if you are pregnant or have any health problems.
2. Only jump on the trampolines, do not jump or land on padding or platform. The mats are hard and can cause injuries to your head, feet, knees, back and ankles.
3. ALWAYS JUMP AND LAND ON TWO FEET. This is critical for safety. To perform a safe landing (or jumping stop), land on two feet, with legs apart, knees bent, and arms in front.
4. If falling, try to land on your back or “ball up.” The key is to keep your arms close to your body to avoid twisting your wrists or injuring our arms, elbows, or shoulders.
5. NO flips, inverts, or tricks over the padding.
6. NO rough-housing, wrestling, racing, tackling, shoving, or playing tag.
7. NO food, drink, or gum allowed in the trampoline zones or foam block pits.
8. NO belt buckles, clothing studs, keys, key chains, or sharp objects on apparel or in pockets. Empty your pockets before jumping.
9. NO “foreign” objects on the trampoline – keys, cell phones, change, cameras, etc.
10. NO shoes or bare feet allowed on trampolines – socks only.
11. NO ONE under the influence of drugs or alcohol allowed in Springs Park.
12. When jumping into the foam pit, you must first check that you will be the only individual entering the foam pit to avoid landing on someone.
13. If crossing from one trampoline to another, look around in order to check that you will not collide with another jumper.
14. If you already know how to perform a safe trick or flip, you must be on your own trampoline, with no one else around you in order to try it.
15. If you are playing dodgeball or basketball, do not throw balls directly at people’s heads.
16. NO sitting or resting on the trampolines or pads.
17. NO running on the pads.
18. FOLLOW instructions of the watchers at all times.

**WARNING:**

TRAMPOLINING IS AN ACTION / EXTREME SPORT AND IS AN INHERENTLY DANGEROUS ACTIVITY. JUMP AT YOUR OWN RISK AND JUMP WITHIN YOUR ABILITY. THIS IS NOT A VIDEO GAME, THERE ARE NO DO-OVERS.



### EXHIBIT #3: Springs Park Liability Waiver Form

#### Springs Park Liability Waiver Form

##### PARTICIPANT AGREEMENT, INDEMNIFICATION, GENERAL RELEASE AND ASSUMPTION

(PLEASE READ THIS DOCUMENT CAREFULLY, BY SIGNING IT, YOU ARE GIVING UP YOUR AND/OR YOUR MINOR'S LEGAL RIGHTS.)

In consideration of being allowed to participate in the services and activities, including, but not limited to, trampoline park access, trampoline dodgeball, trampoline basketball, foam block activities, the arcade and vending area and any other amusement activities (collectively "Activities"), provided by Springs Park and its agents, owners, officers, directors, principals, volunteers, participants, clients, customers, invitees, employees, independent contractors, insurers, facility operators, land and/or premises owners, and any and all other persons and entities acting in any capacity on its behalf (hereinafter collectively referred to as "SP"), I, on behalf of myself, and/or on behalf of my minor child(ren), hereby agree to forever release, indemnify and discharge SP on behalf of myself, my spouse, legal partner, my children, my parents, my guardians, heirs, assigns, personal representatives and estate, and all other persons and entities who could in any way represent me or act on my behalf as follows.

\_\_\_\_(Initial)(1) **RELEASE OF LIABILITY:** Despite all known and unknown risks, I hereby expressly and voluntarily remise, release, acquit, satisfy and forever discharge SP and agree to hold it harmless of and from all, and all manner of action and actions or omission(s), cause and cause action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreement, promises, variances, trespasses, damages, judgements, executions, claims, and demands whatsoever, in law or in equity, including, but not limited to, any and all claims which allege negligent acts and/or omissions committed by SP, whether the action arises out of any damage, loss, personal injury, or death to me or my child(ren)/ward(s), while participating in or as a result of participating in any of the ACTIVITIES. This release of liability is effective and valid regardless of whether the damage, loss or death is a result of any act or omission on the part of SP.

\_\_\_\_(Initial)(2) **INDEMNIFICATION:** I hereby agree to indemnify and hold harmless from and against any and all losses, liabilities, claims, obligations, costs, damages, and/or expenses whatsoever paid, incurred and/or suffered by SP, including, but not limited to, any and all attorneys' fees, costs, damages and/or judgements SP incurs in the event that I or my child(ren)/ward(s) cause any injury, damage and/or harm to SP and/or any and all other persons and entities acting in any capacity on behalf of SP.

\_\_\_\_(Initial)(3) **ATTORNEY'S FEES:** I promise to indemnify SP for any attorneys' fees and/or costs incurred to enforce this agreement, including all costs associated with any collection efforts. Further, should any debt and/or judgement accrue in favor of SP, pre-judgment and post-judgment interest shall accrue thereon at a rate of 18% per annum.

\_\_\_\_(Initial)(4) **PHOTO RELEASE:** By entering SP and participating in the ACTIVITIES, I hereby grant SP on behalf of myself and on behalf of my child(ren)/ward(s), the irrevocable right and permission to photograph and/or record me or my child(ren)/ward(s) in connection with SP and to use the photograph and/or recording for all purposes, including advertising and promotional purposes, in any manner and all media now or hereafter known, in perpetuity throughout the world, without restriction as to alteration. I waive any right to inspect or approve the use of the photograph and/or recording and acknowledge and agree that the rights granted to this release are without compensation of any kind.

\_\_\_\_(Initial) (5) **TERMS OF AGREEMENT:** I understand that this agreement extends forever into the future and will have full force and legal effect each time my child(ren) visit SP, whether at the current SP location or any other SP location.

\_\_\_\_(Initial) (6) **VENUE/ARBITRATION:** In the event a lawsuit is filed against SP, I agree to the sole exclusive venue of Morse County, I further agree that the substantive law of Utopia shall apply without regard to any conflict of law rules. I also agree that if any portion of this agreement is found to be void or unenforceable, the remaining portion shall remain in full force and effect. Any controversy between the parties hereto involving any claim arising out of or relating to a breach of this agreement shall be submitted to and be settled by final and binding arbitration in Morse County, Utopia, in accordance with the then current Commercial Arbitration Rules of the American Arbitration Association.

\_\_\_\_(Initial) (7) **I further certify that I am either eighteen (18) years or older, or that I am the parent or legal guardian of the child(ren) listed below on this Agreement, or that I have been granted power of attorney to sign this Agreement on behalf of the parent or legal guardian of the child(ren) listed below.**

By signing this document, I understand that I may be found by a court of law to forever waive me and my child(ren) right to maintain any action against SP on the basis of any claim from which I have released SP and any released party herein. I have a reasonable and sufficient opportunity to read and understand this entire document and consult with legal counsel or have voluntarily waived my right to do so. I knowingly and voluntarily agree to be bound by all terms and conditions set forth herein.

Parent or Legal Guardian Signature (only 18 or Older can sign for themselves)

First Name: Dakota Last Name Stark Date 4/22/23

Birth Date: \_\_\_\_\_ Phone 803-555-1268 Email \_\_\_\_\_

Signature Dakota Stark

ENTER FULL NAME AND BIRTHDATE OF ALL FAMILY MEMBERS UNDER THE AGE OF 18- USE BACK IF NEEDED

First Name #1 Wade Last Name#1 Stark Age#1 12 Birth Date#1: 9-17-2010

First Name #2 \_\_\_\_\_ Last Name#2 \_\_\_\_\_ Age#2 \_\_\_\_\_ Birth Date#2: \_\_\_\_\_

First Name #3 \_\_\_\_\_ Last Name#3 \_\_\_\_\_ Age#3 \_\_\_\_\_ Birth Date#3: \_\_\_\_\_

**EXHIBIT #4: 911 Transcript from April 22, 2023**

**04-22-2023 16:06**

**Dispatch:** "Emergency 911. Is your emergency Police, Fire, or Medical?"  
**Caller 1:** "I'm at Springs Park. A kid had a bad fall on a trampoline and is not moving. He has a weak pulse."  
**Dispatch:** "I need your name and location, please."  
**Caller 1:** "My name is Jordan Banner."  
**Dispatch:** "Can you confirm the address?"  
**Caller 1:** "It is Springs Park at 141 West Maple Drive."  
**Dispatch:** "EMS (Emergency Medical Service) 2, Prepare to copy."  
**EMS 2:** "EMS 2. Go ahead dispatch."  
**Dispatch:** "Report of a person unresponsive at 141 West Maple Drive. Caller states victim injured on trampoline at Springs Park. Your incident number is 47-042217-811, and time of dispatch is 16:08."  
**EMS 2:** "EMS 2 copies. We are in route to 141 West Maple Drive for report of an unresponsive person. We have an ETA (estimated time of arrival) of three minutes."  
**Dispatch:** "Good copy."  
**Dispatch:** "I dispatched EMS to 141 West Maple Drive. I need you to stay on the line with me. We need to know what is happening."  
**Caller 1:** "OK."  
**Dispatch:** "Do you know the name of the individual who is unresponsive?"  
**Caller 1:** "No, it is just one of the guests at Springs Park."  
**EMS 2:** "Dispatch, EMS 2."  
**Dispatch:** "Go ahead EMS 2."  
**EMS 2:** "EMS 2 on scene."  
**Dispatch:** "Copy. EMS 2 on scene at 16:11."  
**Caller 1:** "Thank goodness, EMS is here. I'm going now." – CALL ENDS

EXHIBIT #5: Coroner's Report on Wade Stark

**Office of the Chief Medical Examiner for Morse County**  
**REPORT OF AUTOPSY EXAMINATION**

Name: Wade Stark                      DOB: 9/17/2010                      Age: 12  
Race: Caucasian                      Sex: Male

**AUTHORIZATION**

Authorized by Luke Charles, M.D.      Received from the State of Utopia  
Digitally signed: April 22, 2023, Henry McCoy, M.D.

**ENVIRONMENT**

Date of exam: 04/23/2023                      Time of Exam: 12:05  
Autopsy facility: Utopia BUREAU OF INVESTIGATIONS

**CERTIFICATION**

Cause of death: Spinal cord severed between the C1 and C2 vertebrae causing death within minutes.

Date of Death: 04/22/2023                      Time of Death: 16:25

**EXTERNAL DESCRIPTION**

Length: 66 inches                      Weight: 93 lbs. Body Condition: Intact  
Liver: State is normal                      Hair: Light brown  
Eyes: Brown                      Teeth: Natural and in good condition  
Skin: The soft tissues and typically positioned internal organs lack unusual odor or atypical color. The soft tissues have a normal appearance.

**MICROSCOPIC EXAMINATION**

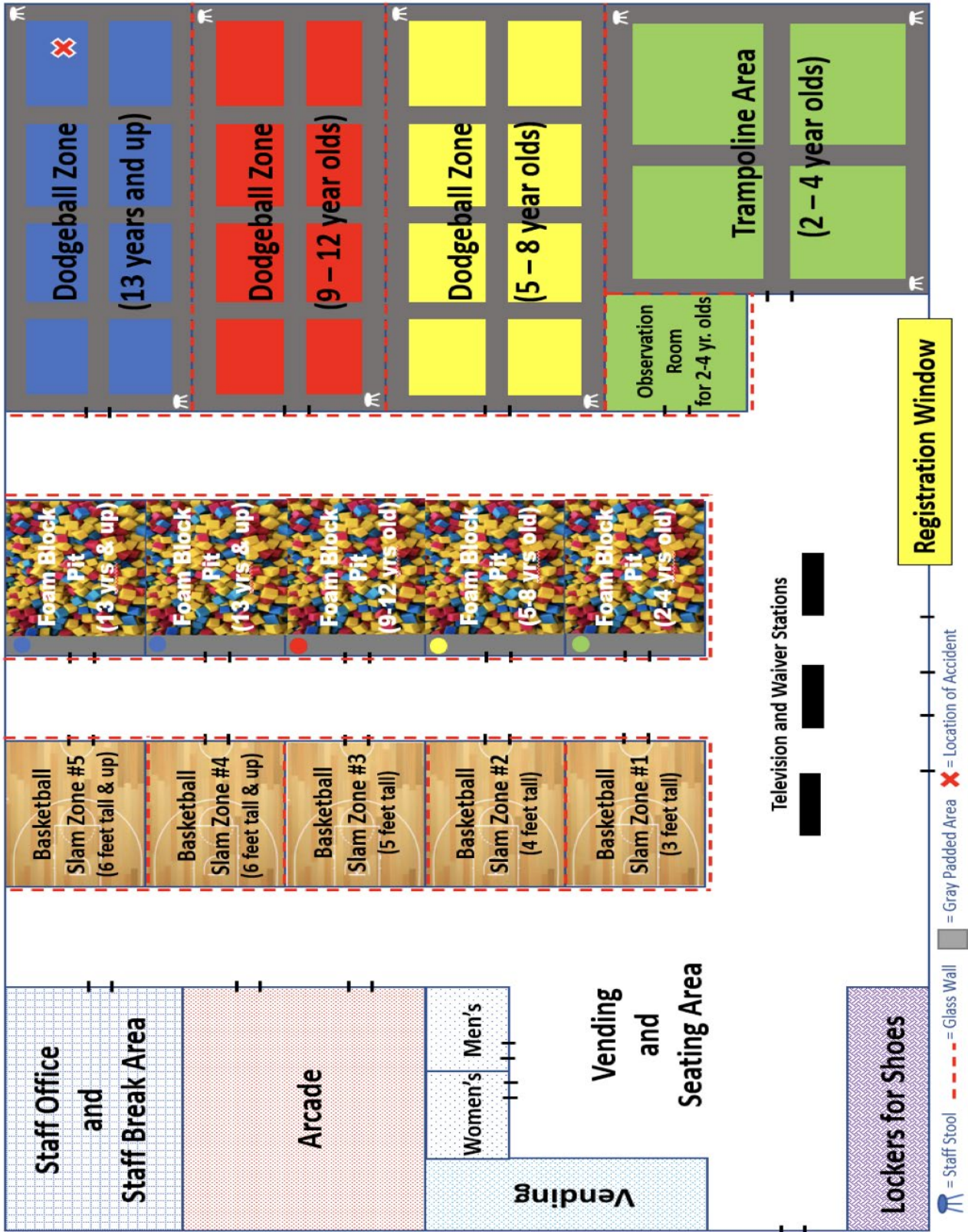
Cardiovascular: The heart is normal size and weight for the patient's age and appears structurally normal.  
Respirator: The heart is normal size and weight for the patient's age and appears structurally normal.  
Gastrointestinal: The typically formed tongue, esophagus, junction at the stomach, and gastric area are without note. The stomach, large bowels, and small bowels appear normal.  
Toxicology: All toxicology tests came back negative with no trace of toxins.

**SUMMARY AND INTERPRETATION**

The decedent was a 12-year-old boy, who at the time of death, was an otherwise healthy child showing no evidence of other trauma. After being hit with a dodgeball in the left shoulder, the decedent fell on his neck, causing a severing of the spinal cord. Given the autopsy and investigative findings, it is my opinion that the cause of death in this case is a spinal cord injury of the neck due to falling.



EXHIBIT # 6: Springs Park Diagram





## EXHIBIT # 7: Mills Barton, CV

### **Mills Barton, M.D.**

5311 Los Robles Avenue • San Diego, California 92025 • 619-555-2695 • MBarton@scrippsmercy.org

#### **EDUCATION**

**Johns Hopkins University Medical School**, Baltimore, Maryland

M.D. with an emphasis in trauma, 1994

**Northwestern University**, Evanston, Illinois

B.S. in Biology and Chemistry, 1990

#### **PROFESSIONAL EXPERIENCE**

**Chair of Emergency Medicine, Scripps Mercy Hospital**, San Diego, California

Physician, Chief of Emergency Medicine Department, 2009 – present

**Physician, Scripps Mercy Hospital**, San Diego, California

Emergency Department, 2003 – 20013

**Physician, Indianapolis Colts National Football League**, Indianapolis, Indiana

Team Physician, 2000 – 2003

**Medical Resident, Shock Trauma Unit**

**University of Maryland Medical Center**, Baltimore, Maryland

Senior Chief Resident, 2000

Internal Medicine Residency Program, 1994 – 1999

#### **LICENSES AND HONORS**

- Board certified and licensed to practice medicine in Maryland (1999) and California (2003)
- Emergency Medicine Foundation Center of Excellence Award, 2019
- Dean's Scholar Award, Johns Hopkins School of Medicine, 1994

#### **PUBLICATIONS**

Over 50 scholarly peer-reviewed journal articles, including:

- *The Rise of Traumatic Injury from Non-Mainstream Sports* (February 2023)
- *The Efficacy of Trauma Physicians in Close Proximity to Prof. Sporting Events* (March 2019)
- *Trauma Resource Allocation in Emergency Depts. During Mass Casualty Events* (June 2016)

#### **CERTIFICATIONS and PROFESSIONAL AFFILIATIONS**

- American Medical Association
- American Board of Internal Medicine, Internal Medicine
- American Board of Trauma Medicine
- American Board of Pediatrics, Pediatric Trauma
- Board Certified Fellow – Sports Medicine
- Board Certified in Sports Medicine and Injury Prevention California, (2013)

## EXHIBIT # 8: Bailey Parker, CV

**BAILEY PARKER**  
134 FONT STREET  
BILLINGS MONTANA

### SKILLS SUMMARY:

Expert regarding theme parks, water parks, inflatable devices and trampolines. Evaluation of design, construction, maintenance and safety of rides, devices and facilities.

### EDUCATION:

BS/Mechanical Engineering/ University of Montana June 1990

### CREDENTIALS AND CERTIFICATIONS:

- Certified Insurance Agent, Montana
- Masters Certification from the National Casualty and Risk Assessment Center
- Gold Certification from the Utopia Commission on Risk Assessment
- Board Certified Forensic Examiner in Safety Engineering and Design (American Board of Forensic Examiners)
- Certified - Warnings & Instructions Specialist (University of Wisconsin-Madison, College of Engineering-1995)
- DEE, Board Certified Environmental Engineer (American Academy of Environmental Engineers and Scientists)-Life Member,
- Certified Amusement Ride Safety Inspector- Bureau of Fair Rides Inspection

### EXPERIENCE:

**President/ Owner Safety Defense Risk Management Company** July 2013 – Present  
Specializing in Engineering and safety issues within Theme parks, Recreational facilities, Resort and Entertainment Industries.

**Sweet Water Insurance Company** June 1989 – July 2013  
Insurance Agent and client resource advisor.

### AFFILIATIONS:

- Member International Association of Trampoline Parks
- Amusement Industry Manufacturers & Suppliers International (AIMS).  
serving as member/ Instructor: AIMS Safety Seminars.
- National Association of Amusement Ride Safety Officials (NAARS)
- International Association of Amusement Parks and Attractions (IAAPA)

### EXHIBIT # 9 Safety Checklist

#### Spring's Park Daily Safety Check, April 22, 2023

Date	Time	Employee Conducting check	Room	Equipment/ Status	Service needed
4/22/23	9:15	Jordan Banner	Staff room	Ordered more bottled water	yes
			Arcade	1 Bill changer out of order called for repair	yes
			Vending	no needs	no
			women's rest rooms	no needs	no
			mens restrooms	no needs	no
			Locker area	2 lockers missing keys called for new ones	yes
			B-Ball zone 1	checked springs, mats, and BB goal	no
			B-Ball zone 2	" "	no
			B-Ball zone 3	" "	no
			B-Ball zone 4	" "	no
			B-Ball zone 5	" "	no
			foam pit 13+ (2)	checked block level	no
			foam pit 13+ (1)	" "	no
			foam pit 9-12	" "	no
			foam pit 5-8	" "	no
			foam pit 2-4	" "	no
			Lobby area	Turned on monitors	no
			Trampoline 2-4	checked springs + mats	no
			Dodgeball 5-8	checked springs + mats	no
			Dodgeball 9-12	" "	no
			Dodgeball 13+	" "	no
↓	↓	↓	Hallways	made sure halls clear of obstacles	no
4/22/23	5:15	Jordan Banner	Dodge Ball 13+	re-checked all springs, mats	no
4/22/23	6:19	Sidney Wilson	Dodge Ball 13+	re-checked all springs + mats	No