

# **IAAPA** Attractions **EXPO**

## *Deal or Appeal*

**Thursday, November 16, 2006  
4:30 PM to 5:45 PM  
Room # B405**





# APPEAL OR DEAL: DEFENDING AN ACCIDENT AT YOUR FACILITY

*Prepared By*

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**International Association of  
Amusement Parks & Attractions  
Atlanta, Georgia  
November 16, 2006**

## ABOUT THE FACULTY



**R. Wayne Pierce** is the nationally-recognized authority on adventure industry legal issues. Since 1982, Mr. Pierce's private law practice has focused on select adventure clients throughout the country, such as theme parks, waterparks, or extreme sports parks; carnivals, fun centers, or fairs; resorts, adventure sports, or just plain sports. In 2005, Mr. Pierce opened his own national, niche practice in Annapolis, Maryland, intimately devoted to the unique needs of the adventure industry.

Mr. Pierce's branded "adventurelaw" integrates preventive law, regulatory compliance, trial defense, insurance, media relations, and training disciplines to make his adventure clients better businesses.

- His singular distinction is complex or catastrophic amusement-ride incidents, including their liability, regulatory, criminal, media, insurance, and warranty implications.
- He has taught more than 160 preventive law classes for numerous facilities, insurance companies, and seminars.
- He has led some of the adventure industry's most important initiatives. He has consulted on safety standards in more than 35 states. He has been called the "father of rider responsibility," and his legislative initiatives have generated the World Waterpark Association's most prestigious safety award and a coveted Public Service Award from the International Association of Amusement Parks & Attractions.
- He wrote the only book on amusement law and his articles have appeared in more than a dozen industry publications.
- Mr. Pierce's chief excellence is trying, supervising, or consulting on the most serious adventure cases throughout the country. He is one of the few trial lawyers in any field who is called in at the eleventh hour to try strategic cases across the country.
- From 1988-2001, he successfully defended every single verdict taken against his adventure clients and has now tried more than 35 cutting-edge industry trials or precedent-setting appeals. This saved more than \$6,000,000 in final settlement demands.
- He was the invited legal representative for the first-ever Million Dollar Club for industry's leading operators, as well as the invited, first-ever legal representative on the Council for Amusement & Recreational Equipment Safety's advisory board.

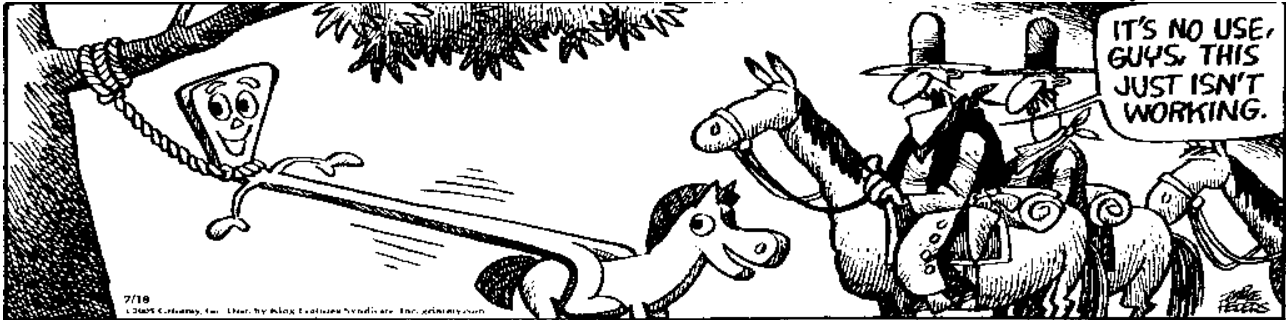
**"Protecting the Adventure"™**

# DEFENDING AN ACCIDENT AT YOUR FACILITY

*"Never play leapfrog with a unicorn."*  
—Unknown

Mother Goose & Grimm

By Mike Peters



# DEFENDING AN ACCIDENT AT YOUR FACILITY

*“Never play leapfrog with a unicorn.”*  
—Unknown

- I. PERSONAL BACKGROUND OF WITNESS
- II. QUALIFICATIONS OF WITNESS
- III. BACKGROUND OF FACILITY
- IV. KNOWLEDGE OF PLAINTIFF
- V. FACTS OF ACCIDENT
- VI. CARE, CUSTODY, CONTROL OF FACILITY
- VII. HISTORY OF ATTRACTION
- VIII. DESIGN OF ATTRACTION
- IX. CONSTRUCTION OF ATTRACTION
- X. ACCEPTANCE TESTING FOR ATTRACTION
- XI. CONTRACT WITH PLAINTIFF
- XII. SIGN SYSTEM

- XIII.      MARKETING OF FACILITY**
  
- XIV.      STAFFING OF FACILITY**
  
- XV.       TRAINING OF EMPLOYEES**
  
- XVI.      SUPERVISION OF PATRONS**
  
- XVII.     OPERATION OF FACILITY**
  
- XVIII.    MAINTENANCE OF FACILITY**
  
- XIX.      SECURITY AT FACILITY**
  
- XX.       FACTORS IN FAULT**
  
- XXI.      SAFETY PROGRAM**
  
- XXII.     PATRON MISCONDUCT**
  
- XXIII.    ACCIDENT-FREE USE**
  
- XXIV.     ACCIDENT HISTORY**
  
- XXV.      MODIFICATION OF ATTRACTION**
  
- XXVI.     REGULATORY COMPLIANCE**
  
- XXVII.    RECORD RETENTION**

**XXVIII. INCIDENT RESPONSE**

**XXIX. INCIDENT INVESTIGATION**

**XXX. ACCIDENT REPORTING**

**XXXI. SAFER ALTERNATIVES**

**XXXII. OPINIONS OF WITNESS**

**XXXIII. TRICK QUESTIONS & MORAL ISSUES**

**XXXIV. WITNESS WEAKNESSES**

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**Enclosures:**    **1165a Diagram of Scene**  
                  **1165b Witness Statement**  
                  **1157c Deposition Preparation Article**  
                  **1165c Media Coverage & Video of Accident**

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