
**Jamie R. Killian v. R.A.G.E.
Enterprises & Chris Schultz**



**CENTER
FOR
CIVIC
EDUCATION
THROUGH
LAW**



**Michigan High School
Mock Trial Tournament 2001
Materials**

Introduction

This Mock Trial case was developed for the 2001 Michigan High School Mock Trial Tournament.

For information about the MHSMTT Rules or information about Mock Trial in general, contact the Michigan Center for Civic Education at info@miciviced.org.

We are grateful to the Iowa Center for Law & Civic Education for permission to use Jamie R. Killian v. R.A.G.E Enterprises & Chris Schultz. The original case was developed by David Nelmark, Iowa Mock Trial Program Coordinator, 1997-98. Special recognition goes to Rachel Margules of the State Bar of Michigan Law-Related Education Committee for her time and energy put toward adapting the problem. The Center also thanks LRE Committee members Nancy Abraham and Donald Fulkerson for their contributions.

Summary:

It was a pleasant day in March, getting close to spring break, and Jamie Killian was looking for fun. Fun for a 17-year-old comes in many forms movies, the beach, bowling, or just hanging out with friends in front of the local Seven-Eleven. Jamie did not choose to do any of these. Jamie chose to play paintball. Now Jamie has a closed head injury. Did paintball proprietor Chris Schultz engage in negligent conduct that made the game unreasonably dangerous? Did Jamie ignore posted safety instructions? Who is to blame?

M. Case Materials

Case No. C98-0515

Jamie R. Killian v. R.A.G.E. Enterprises and Chris Schultz

IN THE NINETEENTH JUDICIAL DISTRICT FOR CINCHFIELD COUNTY IN THE STATE
OF URBANA

JOINT PRETRIAL STATEMENT

A. STATEMENT OF THE CASE

Jamie R. Killian, the plaintiff, is suing Chris Schultz and R.A.G.E. Enterprises, the defendants, for injuries (s)he claims to have sustained on the defendant's premises while playing a game of paint ball on March 17, 2000. Jamie claims (s)he was struck in the temple by a paint ball while playing a game where players shoot paint-filled pellets at one another. This game was created and sponsored by the defendants. At the time the plaintiff was allegedly injured, (s)he was not wearing the safety goggles provided by the defendants. Jamie claims this is because the goggles fogged up. Pursuant to a report from the National Weather Service, the average temperature on March 17, 2000 during daylight hours was 38 degrees Fahrenheit. The medical expenses incurred by the Plaintiff were reasonable and necessary as a result of the Plaintiff's injuries.

B. ISSUES TO BE LITIGATED AT TRIAL

The issues in the case are:

- a. whether the defendants were negligent by
 - i. failing to provide adequate protection for customers
 - ii. engaging in negligent conduct that made the game unreasonably dangerous
 - iii. whether defendants properly warned plaintiff of the risks of the game.
- b. whether plaintiff is responsible for his/her own injuries, thereby negating or lessening any negligence of the defendants by
 - i. plaintiff's own comparative negligence
 - ii. whether plaintiff assumed the risks of injury

C. WITNESSES EXPECTED TO BE CALLED AT TRIAL

- | 1. | For the Plaintiff | For the Defense |
|----|---|-------------------------------------|
| a. | Jamie R. Killian, plaintiff | a. Chris Schultz, defendant |
| b. | Dr. Emil(y) Castrato, plaintiff's doctor* | b. J. T. Hahn, friend of plaintiff |
| c. | Ripley Wait, former R.A.G.E. employee | c. Alex Parekhi, paint ball expert* |

* The parties stipulate that these witnesses are qualified to render expert testimony and opinions in their specific fields of expertise and will not voir dire these witnesses.

D. EVIDENCE EXPECTED TO BE INTRODUCED AT TRIAL

- 1) Diagram of the face mask/goggles provided by the defendant;
- 2) Warning sign;
- 3) Acknowledgement;
- 4) Article from Paint Ball Monthly;
- 5) Memo from Ripley Scott to Chris Schultz;
- 6) Medical records

- 7) Advertisement for Sabotage
- 8) Paintball Safety Statistics;
- 9) Testimony of any and all witnesses

E. LEGAL AUTHORITY CONTROLLING THE CASE

URBANA CODE OF LAW

Section 323. Special Relations Giving Rise to Duty to Aid or Protect.

A business is under a duty to its customers to take reasonable action

- a) to protect them against unreasonable risk of physical harm, and
- b) to give them first aid after it knows or has reason to know that they are ill or injured, and to care for them until they can be cared for by others.

Section 336. Activities Dangerous to Invitees.

A business owner is subject to liability to his or her customers for physical harm caused to them by a failure to carry on activities with reasonable care for their safety if, but only if, he/she should expect that they will not discover or realize the danger, or will fail. to protect themselves against it.

Section 339. Dangerous Conditions Known to or Discoverable by Owner.

A business owner is subject to liability for physical harm caused to his/her customers by a dangerous condition on the property of the business if and only if, he/she

- a) knows or by the exercise of reasonable care should have discovered the condition, and should realize that it involves an unreasonable risk of harm to such customers, and
- b) should expect that customers will not discover or realize the danger, or will fail to protect themselves against it, and
- c) fails to exercise reasonable care to protect them against the danger.

Section 362. Known or Obvious Dangers.

A business owner is not liable to his/her customers for physical harm caused to them by any activities or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge or obviousness.

Section 23-426. Comparative Negligence

- 1) When the occurrence of an incident is proximately caused by negligence on the part of a Defendant and not by negligence on the part of a Plaintiff, then Plaintiff is entitled to recover the full amount of damages sustained as a result of the occurrence.
- 2) When the occurrence is proximately caused by negligence of both Plaintiff and Defendant, the percentages of their negligence must be compared.
- 3) When the percentage of negligence attributable to a Plaintiff is equal to or greater than the percentage of negligence attributable to a Defendant, or if a Defendant is not negligent, the Plaintiff shall not be entitled to recover any damages for his/her injuries.
- 4) When the percentage of negligence attributable to a Plaintiff is less than the percentage of negligence attributable to the Defendant, a Plaintiff will be entitled to recover that portion of damages not caused by the Plaintiffs own negligence.

Section 23-428. Proximate Cause Defined.

- 1) To be a proximate cause, the conduct must have been a substantial factor in bringing about the harm complained of, and the harm giving rise to the action could have been reasonably foreseen or anticipated by a person of ordinary intelligence and prudence.
- 2) To be a proximate cause of an injury, there is no requirement that the cause be the only cause, the last act, or the one nearest the injury, so long as it is a substantial factor in producing the injury or damage.
- 3) The foreseeability requirement does not require the person guilty of negligence to foresee the exact manner in which the injury takes place or the exact person who would be injured. It is enough that the person guilty of negligence could foresee, or should have foreseen through the exercise of reasonable care, the general manner in which the injury or result would occur.

CASE LAW

Lok v. Hicks, 68 Urb. 209 (1912)

The Court in Lok set forth the following elements which must be shown to establish a prima facie case of negligence:

- 1) A duty on the part of the Defendant to conform to a specific standard of conduct for protection of a Plaintiff against an unreasonable risk of injury. A duty of care is owed only to foreseeable Plaintiffs;
- 2) A breach of that duty by Defendant,

3) The breach is the actual and proximate cause of the Plaintiff's injury; and,

4) Damages

Kubrick v City of Clarke, 226 Urb. App 418 (1997)

The Urbana Court of Appeals upheld the traditional definition of duty as "an obligation that the defendant has to the plaintiff." There, the court expressed that there are different variables to determine if a duty exists, including: (1) foreseeability of the harm, (2) degree of certainty of injury, (3) existence of a relationship between the parties involved, (4) closeness of the connection between the conduct and the injury, (5) moral blame attached to the conduct, (6) policy of preventing future harm, and (7) burdens and consequences of imposing duty and resulting liability for breach.

Bowman v Poole Professional Bldg, Inc, 393 Urb. 393 (1975).

In this seminal case, the Urbana Supreme Court defined foreseeability as a situation where the actor must realize or should realize that there is a risk of harm. Foreseeability depends on whether a reasonable person could anticipate that a given event might occur under certain conditions. The court cautioned, however that just because an event might be foreseeable does not impose a duty on a defendant to take some kind of action. There must be some sort of risk of injury to another or his property before an actor is required to act.

Heywood v H.A.L. Enterprises, Inc, 196 Urb. App 6 (1992)

The general rule is that there is no duty to aid or protect another unless there is a special relationship between them, such as between an invitor and an invitee. An invitee is one who is on the defendant's land for reasons related to the activity and of some tangible benefit to defendant. *Floyd v Halverson, 200 Urb. App 434 (1993).*

Michaels v. Smyslov, 17 Urb. 201 (1923)

The Urbana Supreme Court clarified that in a civil action, the Plaintiff has the burden of establishing by a preponderance of the evidence all of the facts necessary to prove each element of the Plaintiff's claim. The term "preponderance of evidence" means the factual information presented in trial which is sufficient to cause the judge or jury to believe that the allegation is probably true or that it is more likely than not true. If the evidence on a particular issue appears to be equally balanced, the party having the burden of proving that issue must fail.

Frank v. Moonwatcher Industries, 218 Urb. 462 (1965)

Under the state comparative negligence statute, the Defendant has the burden of showing contributory fault or obligation of Plaintiff by a preponderance of the evidence.

Dullea v Strauss Motors Corp, 196 Urb. App 20 (1997)

Under the law of comparative negligence, every person has an obligation to exercise reasonable care for his own safety.

Lockwood v Zarathustra, 375 Urb. 23 (1965)

The doctrine of Assumption of the Risk is applicable in this State, only to cases in which there has been a clear assumption of risk. The doctrine of Assumption of the Risk serves only the purpose of limiting the scope of a defendant's liability for injuries caused to the plaintiff and has no utility in barring recovery where defendant has been found to have negligently breached a duty owed to plaintiff.

F. STIPULATION AS TO JURY/NONJURY TRIAL

Both parties demand the right to a trial by jury.

G. ATTEMPTS FOR SETTLEMENT

The parties have met on numerous occasions and discussed the possibility of settlement. Both agree they have been unable to reach settlement and trial of this matter is necessary.

IN THE NINETEENTH JUDICIAL DISTRICT FOR CINCHFIELD COUNTY
IN THE STATE OF URBANA

JAMIE R. KILLIAN
Plaintiff,

VERSUS

File No.: C98-0515,

R.A.G.E. ENTERPRISES
and
CHRIS SCHULTZ
Defendants,

COMPLAINT

Now comes the Plaintiff, JAMIE R. KILLIAN, and sues the Defendants, R.A.G.E. ENTERPRISES and CHRIS SCHULTZ, for damages and personal injuries as a direct and proximate result of negligence of the Defendants on or about March 17, 2000 in the Cinchfield County, State of Urbana.

1. Jurisdiction is conferred upon this Honorable Court by virtue of Urbana Code Annotated §16-10-101, as this cause of action arose in Cinchfield County, State of Urbana and this Honorable Court is the proper forum with respect to venue prescribed by Urbana Code Annotated §20-4-101.
2. The Plaintiff, JAMIE R. KILLIAN, is a resident of Cinchfield County, State of Urbana.
3. The Defendant, CHRIS SCHULTZ, is a resident of Cinchfield County, State of Urbana.
4. CHRIS SCHULTZ is the owner and operator of R.A.G.E. ENTERPRISES, which is located at 1800 Pennsylvania Avenue, in Cinchfield County, State of Urbana.
5. R.A.G.E. ENTERPRISES is a corporation incorporated in the State of Urbana. Its primary shareholder and manager is CHRIS SCHULTZ. On March 17, 2000, R.A.G.E. ENTERPRISES was a business held open to the public as a place of amusement.
6. Plaintiff brings suit to recover for personal injuries sustained by the Plaintiff as a result of a dangerous condition on the Defendants' property. Specifically the Plaintiff was injured while participating in a game called "Sabotage" which was created and sponsored by the Defendants.
7. At the time and on the occasion in question, the Plaintiff was an invitee on the Defendants' property, having gone there for the purpose of socializing with friends, and participating in the games and recreation offered by the Defendants.
8. The Defendants advertised a game called "Sabotage" to the Plaintiff and other patrons of R.A.G.E. ENTERPRISES. The employees of the Defendants assured the Plaintiff the game was safe and there were no signs or notices posted warning the Plaintiff of any dangers or risks associated with playing the game called "Sabotage."

9. The game of "Sabotage" is played by two teams consisting of five to ten individuals who put on protective gear provided by the Defendants and proceed to shoot paint-filled pellets at one another through powerful weapons also provided by the Defendants.

10. The Plaintiff, while participating in the game of "Sabotage" on the Defendants' premises, was injured when the Plaintiff was struck in the left temple by a frozen paint ball pellet.

11. The Defendants provided safety goggles to wear during the game, but participants were never told they had to wear these goggles and the goggles themselves were ineffective and prone to fogging up.

12. The game of "Sabotage" offered at R.A.G.E. Enterprises is an unreasonably dangerous and unsafe game created by the Defendant, CHRIS SCHULTZ. The Defendant knew of the unreasonably dangerous condition and neither corrected nor adequately warned the Plaintiff of it. The Plaintiff did not have knowledge of the dangerous condition and could not have reasonably been expected to discover it. The Defendants had, or in the exercise of due diligence, should have had constructive and/or actual notice of the defective dangerous and unsafe nature of the game and the Defendants failed to correct the same. The Defendants' failure to correct the condition or warn the Plaintiff constituted negligence and such negligence was the sole and proximate cause of the Plaintiff's injuries.

13. As a result of the occurrence above described, the Plaintiff has suffered severe personal injuries, causing the Plaintiff to sustain permanent bodily impairment. The Plaintiff has experienced physical pain and mental anguish and will continue to do so in the future by reason of the nature and severity of the Plaintiff's injuries. The Plaintiff has been caused to incur medical charges and expenses in the past and will continue to incur medical expenses in the future for the Plaintiff's injuries.

WHEREFORE, the Plaintiff, JAMIE R. KILLIAN, sues the Defendants, R.A.G.E. ENTERPRISES and CHRIS SCHULTZ and demands monetary judgment.

Respectfully submitted:
TECKLENBERG, NELMARK, & LANE

By: _____

Attorneys for the Plaintiff
11 Sussex Court
State Center, Urbana, 90210
(987)555-6677

IN THE NINETEENTH JUDICIAL DISTRICT FOR CINCHFIELD COUNTY
IN THE STATE OF URBANA

JAMIE R. KILLIAN
Plaintiff,

VERSUS

File No.: C98-0515,

R.A.G.E. ENTERPRISES
and CHRIS SCHULTZ
Defendants,

ANSWER

Now comes the Defendants, R.A.G.E. ENTERPRISES and CHRIS SCHULTZ, and for Answer to the Complaint filed against them in this cause, say as follows:

1. The Defendants deny the Plaintiff is entitled to recover any sum from them as damages.
2. Paragraphs 1, 2, 3 and 4 are admitted.
3. In response to the allegation contained in paragraph number 5, it is admitted that on March 17, 2000, R.A.G.E. ENTERPRISES was a business held open for public use as a place of amusement.
4. In response to the allegations contained in paragraph number 6, the Defendants admit that the game "Sabotage" was created and sponsored by the Defendants. The remaining allegations contained in paragraph number 6 are denied.
5. The Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in paragraph number 7 and therefore, denies the allegations and demands strict proof thereof.
6. In response to the allegations contained in paragraph number 8, it is admitted that the Defendants advertised a game called "Sabotage". The remaining allegations contained in paragraph number 8 are denied.
7. In response to the allegation contained in paragraph number 9, the Defendants admit the description in paragraph 9 is a general explanation of the game of Sabotage.
8. The Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph number 10 and therefore, deny these allegations and demand strict proof thereof.
9. In response to the allegations contained in paragraph number 11, the Defendants admit that goggles were provided. The remaining allegations contained in paragraph number 11 are denied.

10. Paragraph number 12 is denied.

11. The Defendants lack information sufficient to form a belief as to the truth of the allegations contained in paragraph number 13 and therefore, deny these allegations and demand strict proof thereof.

12. Each and every other allegation of the Complaint not heretofore admitted, explained or denied specifically, is now denied generally.

AFFIRMATIVE DEFENSES

13. The Defendants aver that the Plaintiff has failed to state a cause of action upon which relief can be granted. The Defendants deny the Plaintiff is entitled to recover any sum from them as damages.

14. It is averred that if there was some negligence on the part of the Defendants, then the negligence of the Plaintiff should be compared with the negligence of others to determine what amount of damages, if any, is owed by the Defendants to the Plaintiff.

15. The Defendants aver that Plaintiff's negligence was equal to or greater than the alleged negligence of the Defendants and the Plaintiff therefore cannot recover. In the alternative, it is averred that the Plaintiff was guilty of a substantial degree of negligence requiring a reduction of damages in proportion to the degree of the Plaintiff's own negligence.

16. The Defendant avers that the Plaintiff assumed the risk of injury by playing or participating in the game of Sabotage and that the Defendant had posted warning signs stating participation in the game is voluntary, and that the game requires good physical health, physical strength and agility, and each player assumes the risk of any injury that may result from playing this game, and therefore, the Plaintiff cannot recover any damages from the Defendants.

WHEREFORE, the Defendants having fully answered the Complaint filed against them in this cause, respectfully prays that the Complaint be dismissed and held for naught and the cost of the cause assessed against the Plaintiff.

Respectfully submitted:
REICH & JIG

By: _____

Attorneys for the Defendants
4212 Residential Boulevard
State Center, Urbana, 90210
(987) 555-1776

IN THE NINETEENTH JUDICIAL DISTRICT FOR CINCHFIELD COUNTY
IN THE STATE OF URBANA

JAMIE R. KILLIAN
Plaintiff,

VERSUS

File No.: C98-0515,

R.A.G.E. ENTERPRISES
and
CHRIS SCHULTZ
Defendants,

STIPULATIONS

Now come the parties to this action and mutually stipulate to the following facts:

1. Both parties demand a trial by jury.
2. The diagram of the safety goggles is not to scale, but is otherwise accurate. No objections to this exhibit may be made on hearsay or foundation grounds.
3. *All evidence provided with the case materials is assumed to be a true and accurate representation of the documents they depict.*
4. This is the first half of a bifurcated trial. The decision rendered will only be in regard to the percentage of the liability of each of the parties. The amount of any damages to be awarded will be determined at another trial.
5. The medical expenses incurred by the Plaintiff were reasonable and necessary as a result of the injuries Plaintiff complains about, however the parties do not stipulate that the injuries occurred as a result of the incident.
6. Pursuant to a report from the National Weather Service, the average temperature on March 17, 2000 during daylight hours was 38 degrees Fahrenheit.

Jury Instructions

SJI2d 10.02 Definition of Adult Negligence

Negligence is the failure to use ordinary care. Ordinary care means the care a reasonably careful person would use. Therefore, by “negligence,” I mean the failure to do something that a reasonably careful person would not do, under the circumstances that you find existed in this case.

The law does not say what a reasonably careful person using ordinary care would or would not do under such circumstances.
That is for you to decide.

SJI2d 11.01 Comparative Negligence

The total amount of damages that the plaintiff would otherwise be entitled to recover shall be reduced by the percentage of plaintiff’s negligence that contributed as a proximate cause to [his /her] injury. (The plaintiff, however, is not entitled to noneconomic damages if [he / she] is more than 50 percent at fault for [his / her] injury.)

This is known as comparative negligence.

SJI2d 15.01 Definition of Proximate Cause

When I use the words “proximate cause” I mean first, that the negligent conduct must have been a cause of plaintiff’s injury, and second, that the plaintiff’s injury must have been a natural and probable result of the negligent conduct.

SJI2d 16.08 Burden of Proof in Negligence Cases

The plaintiff has the burden of proof on the following propositions:

- a. that the defendant was negligent in one or more of the ways claimed by the plaintiff (as stated to you in these instructions)
- b. that the plaintiff was injured
- c. that the negligence of the defendant was a proximate cause of the injuries to the plaintiff.

Your verdict will be for the plaintiff if you decide that all of these have been proved.

Your verdict will be for the defendant if you decide that any one of these has not been proved.

(The defendant has the burden of proof on [his / her] claim that the plaintiff was negligent in one or more of the ways claimed by the defendant (as stated to you in these instructions), and that such negligence was a proximate cause of the injuries to the plaintiff.)

(The defendant has the burden of proof on [his / her] claim that Jamie R. Killian was negligent, and that the negligence of Jamie R. Killian was a proximate cause of the injuries to the plaintiff.)

(If your verdict is for the plaintiff, then you must determine the percentage of fault for each party or nonparty whose negligence was a proximate cause of plaintiff's injuries. In determining the percentage of fault, you should consider the nature of the conduct, and the extent to which each person's conduct caused or contributed to plaintiff's injuries.)

SJI2d 19.01 Definitions of Invitee, Licensee and Trespasser

To determine the duty owed to plaintiff, you must first determine whether plaintiff was an *invitee* or *licensee* or *trespasser*.

The words *invitee* and *licensee* and *trespasser* have special meaning in law.

(An *invitee* is either a public invitee or a business visitor. A public invitee is a person who is invited to enter or remain on [land / premises / a place of business] as a member of the public, for a purpose for which the [land / premises / place of business] is held open to the public. A business visitor is person who is invited to enter or remain on [land / premises / a place of business] for a purpose directly or indirectly connected with business dealings with the possessor of the [land / premises / place of business]. An invitation may be either express or implied.)

(A *licensee* is a person who, other than for a business purpose, [enters on / enters] another's [land / premises / place of business] with the express or implied permission of the owner or person in control of the [land / premises / place of business.] A social guest is a licensee, not and invitee.)

(A *trespasser* is a person who goes upon the [land / premises / place of business] of another without an express or implied invitation, for his or her own purposes, and not in the performance of an duty to the owner. It is not necessary that in making such an entry the trespasser have an unlawful intent.)

SJI2d 19.03 Duty of Possessor of land, Premises or Place of Business

A possessor of [land / premises / place of business] has a duty to maintain the [land / premises / place of business] in a reasonably safe condition.

A possessor has a duty to exercise ordinary care to protect an invitee from unreasonable risks of injury that were known to the possessor or that should have been known in the exercise of ordinary care.

(A possessor must warn the invitee of dangers that are known or that should have been known to the possessor unless those dangers are open and obvious. However, a possessor must warn an invitee of an open and obvious danger if the possessor should expect that an invitee will not discover the danger or will not protect [himself / herself] against it.)

(A possessor has a duty to inspect [land / premises / a place of business] to discover possible dangerous conditions of which the possessor does not know if a reasonable person would have inspected under the circumstances.)

1
2 COUNTY OF CINCHFIELD

3)ss.

AFFIDAVIT

4 STATE OF URBANA

5
6 JAMIE R KILLIAN, being duly sworn, deposes and says:

7
8 My name is Jamie Killian. I am 18 years old. I live at 8617 Hillsdale Drive in Williamstown.
9 Before I was injured playing paintball I was the captain of my high school volleyball team. Since
10 the injury I have tried to play again, but my skill level just isn't what it used to be. I had hoped to
11 make the all-state team this year and possibly get a scholarship to college, but I guess it wasn't
12 meant to be.

13
14 On March 17, 2000 a bunch of my friends and I decided to go to R.A.G.E. It's an entertainment
15 center about 15 minutes from the school. It was a Tuesday, but it was gorgeous outside and we were
16 getting close to spring break so we decided to cut class. Looking back, I guess that was a poor
17 decision, but give me a break, I was only 17.

18
19 For a relatively small county Cinchfield actually has quite a bit to do. We've got your basic
20 assortment of malls, arcades, movie theaters, roller skating rinks, and mini-golf courses. We've also
21 got R.A.G.E., which is really a whole bunch of entertainment activities put together. This is an
22 indoor/outdoor park where you can always try the newest fad or activity. They have had everything
23 from bungee jumping to human flytrap where you throw yourself against a Velcro wall while
24 wearing a Velcro suit. The activities change, so that keeps it interesting. I used to go there quite a
25 bit, but last summer my mom told me I couldn't go anymore. I knew better than to ask mom for a
26 reason. It was easier to just find other things to do.

27
28 The last week of February, R.A.G.E. began running advertisements in our high school newspaper.
29 These were promoting a new game R.A.G.E.'s owner had created called "Sabotage." The ads said,
30 "This is war! It's kill or be killed." I really love to win and this seemed like my kind of game. The
31 ad also had a coupon for \$5.00 off the price that was normally \$15.00. It was a good deal and it
32 sounded cool, so we decided to give it a shot.

33
34 When we got to R.A.G.E. we went to the main information desk where you purchase tickets for all
35 the games. When we tried to buy a round of Sabotage, Chris, who was working that day, asked how
36 old we were. My eighteenth birthday was like less than a week away, so I said I was 18. I went to
37 R.A.G.E., with a bunch of seniors, so I was actually the only minor. Chris asked for our IDs. When I
38 admitted I was only 17, Chris gave me a form for my parent or guardian to fill out before I could
39 play. It said a bunch of legal mumbo, jumbo I couldn't really understand. Anyway, I took the form
40 and told him I'd return it later. Then, I went out to my car, pulled out a pen and signed mom's name.
41 Problem solved. After about ten minutes I went in and handed Chris the form. Chris looked a little
42 funny at my mom's signature but said something like, 'Who am I to decide whether that's real or
43 not?'

44
45 There were a whole bunch of signs on the wall behind the desk, but they were all overlapping and
46 hard to see. Chris told us to read the Sabotage rules and warnings, but the counter is at least six feet
47 away from the wall and you can't get behind the counter to read the signs. I didn't ask him/her to

48 point the sign out to me. I figured if it was just on a wall with a bunch of other stuff it couldn't be
49 that important.

50
51 After we paid our money we headed to a changing room. There we were shown how to shoot and
52 reload the paint guns. The employee also gave us a small helmet, some kneepads and elbow pads,
53 and a facemask that had goggles and a guard for the mouth and throat.

54
55 It was an ugly mask but it made me feel like a soldier so I put in on. Then another employee named
56 Ripley came out dressed in combat fatigues. S/he mumbled a bunch of stuff about playing fair and
57 staying safe. I am positive s/he never mentioned anything about the goggles though. As far as I can
58 remember, s/he didn't even say how to put them on properly. Ripley was basically just trying to get
59 everyone fired up. It sure worked for me. S/he stopped for a minute to see if anyone had questions,
60 but we were already lining up to head to the playing field. As we walked out the door, Ripley
61 checked to make sure we had all our equipment on.

62
63 Sabotage is played by dividing the group into two teams. One group hides at 68 various spots
64 around a base area and guards a flag. The other group slowly attacks from all sides and tries to sneak
65 in and steal it. It's called Sabotage because there are a lot of shrubs and high grass and wooden
66 obstacles to hide behind. You never know when someone is going to creep up behind and ruin your
67 plans.

68
69 The first game I was on the attacking team. We didn't win, but it wasn't my fault. I shot four people
70 on the other team before I died. I actually got to the flag but then three guys popped and I went
71 down in a blaze of glory and green paint. The paint balls that splattered really only stung for a
72 second. I noticed that two of the balls didn't break, however. The ones that didn't break left some
73 serious welts. When I mentioned this to Ripley, s/he said if I couldn't handle a little pain I should
74 head inside and play skee-ball. This really ticked me off. The next game a new referee took over
75 and Ripley was going to play for the other team since one of their members got cold and went
76 inside. This time my team was going to be on the defense and I made up my mind that no matter
77 what happened, Ripley wasn't getting anywhere near that flag.

78
79 As the game started I kept an eye on Ripley. The camouflage s/he was wearing looked cool, but it
80 didn't conceal him/her very well. S/he was all green and the field was basically dirt with brown
81 bushes. My friend J.T. and I took a position to the left of our flag behind a tall wooden bunker with
82 some peepholes. Before long the two teams engaged and paint was flying. Because we were off to
83 the side, we were out of the line of fire. I kept my eyes on Ripley.

84
85 When s/he got within 10 yards I fired off some shots to try to keep him/her pinned down. I thought
86 one of my shots had to have landed, but s/he wouldn't admit to being killed. This made me even
87 more angry. I ducked down to reload, but then my goggles started fogging up. I tried to wipe them
88 clean but it wouldn't work. I told J.T. to cover me and I pulled off the mask to see what was wrong. I
89 couldn't figure out the problem.

90
91 I heard Ripley make a war yell as s/he charged the bunker. At this point I threw caution to the wind
92 and stood up to hold my ground. I'm proud to say I forced Ripley to abandon the assault, but I also
93 revealed my position to one of his/her teammates. This person, who I never saw clearly, had snuck

94 up on the side and was waiting for me to stand. One well placed shot to the left side of the head and
95 I was out of the game.

96
97 When I got hit I saw a flash of yellow. At first I thought it was paint in my eye, but I think it was
98 just a flash of light from the pain because there was no paint on my face or helmet. I went black for
99 a second and fell back, but I was never knocked out. Ripley blew his/her whistle to stop the game
100 and then came over to see if I was okay. I know we talked for a minute, but I can't really remember
101 the conversation. Actually the next couple of days after the incident are kind of fuzzy too.

102
103 I know I drove home and went to bed. The next day I tried to go play some volleyball at the Y. At
104 first I was okay, but the longer I played the worse my headache got. I felt like I was going to throw
105 up, I was playing almost as bad as I felt so I quit. I didn't go out at all that night. The next morning
106 my folks went out for some breakfast and last minute birthday shopping so they were gone when I
107 woke up. I felt awful by this point and was even having trouble with my vision. Dr. Castrato's office
108 was only a few blocks away so I decided to walk over. S/he was nice to me before and I didn't know
109 what else to do.

110
111 I never would have played this stupid game if anyone had told me it was dangerous. I'm a
112 competitor, sure, but I'm not dumb. I wouldn't risk getting hurt, especially during volleyball season.
113 I did take off the goggles they gave me but only because they kept fogging up. No one told me they
114 had to be on at all times.

115
116 Since the accident, I have suffered from occasional spells of dizziness and headaches. For the first
117 couple of weeks after it happened, I was too sick to work or go to classes. It really made the rest of
118 the year hard for me.

119
120 -----
121 Subscribed and sworn to before me
122 this ____ day of _____, 20__.

123
124 -----
125 Notary Public

126
127

1 COUNTY OF CINCHFIELD

2)ss.

AFFIDAVIT

3 STATE OF URBANA

4
5 EMIL(Y) CASTRATO, being duly sworn, deposes and says:

6
7 My name is Dr. Emil(y) Castrato. I am 42 years old and live at 4202 Elm Street in Clarion, Urbana.
8 I received my bachelor's degree in physiology and anatomy from the University of Upper Urbana
9 and then went to receive my DO from the Urbana School of Osteopathic Medicine. I graduated
10 Magna Cum Laude in 1984. I completed my residency at the Cinchfield County Medical Center
11 where I specialized in the physical rehabilitation of patients with brain injuries. Upon completing
12 my residency I worked at several different facilities around the country until I returned to Midlands
13 to open my own office in 1996.

14
15 My specialty, brain trauma, frequently comes from violent jars to the head or neck resulting from
16 things like car accidents or sports related incidents. In addition to my private patients, I frequently
17 offer seminars to the trainers and coaches of the state's high school athletic teams in order to
18 encourage safety and educate them as to the common signs of injuries to the nervous system. The
19 coaches from these schools often refer students to my office if they unfortunately sustain an injury
20 on the field or court.

21
22 I first met Jamie Killian on March 3, 2000. Jamie's coach called me from Pecos High School where
23 Jamie and the other Williamstown Wolves were competing in a volleyball tournament. In the third
24 set of the final match Jamie sustained what the coach referred to as a "Spalding tattoo." Apparently,
25 when Jamie was near the net a member of the other team spiked the ball directly into the side of
26 Jamie's head rendering Jamie unconscious for a couple of minutes. Some smelling salts revived
27 Jamie, but the coaches were concerned about a possible concussion so Jamie was brought to my
28 office late that afternoon. I was ready to head home for the day when Coach Bradley called, but
29 decided to stay late so Jamie could get immediate treatment. Although we had never met, I already
30 had a great deal of respect for this athlete because of Jamie's reputation of having such a strong
31 competitive spirit. Jamie's intensity on the court is legendary. In fact the local paper even started
32 calling Jamie "Killer" Killian.

33
34 When Jamie came to the office I conducted a full examination and made the diagnosis of a minor
35 concussion. This is essentially a bump on the head with localized swelling. A volleyball has some
36 give to it, so the head injury most likely came when Jamie's head struck the floor of the gymnasium.
37 Jamie told me that hitting the floor was the last thing s/he remembered which is consistent with my
38 diagnosis of the cause of the injury. The concussion itself was easy to diagnose since Jamie
39 displayed many of the classic symptoms -slowed and slightly slurred speech, dizziness, and dilated
40 pupils. I did not run a CAT scan because there did not seem to be a need for such a test since the
41 case was so straightforward.

42
43 There is not much that can be done to treat a concussion. The best thing to do is rest. It is important
44 to refrain from physical activity because any jostling can impair recovery or cause another
45 concussion. It is still not clear whether or not concussions can lead to permanent damage. I believe
46 that they have the potential to affect an individual well into the future, but it has been my experience
47 that concussions almost always heal completely if they are treated and cared for properly.

48
49 Jamie came in for a follow-up appointment approximately one week after the initial concussion.
50 S/he said s/he had refrained from playing volleyball so far but was anxious to get back to it. I
51 cleared Jamie for play and assumed that would be the last time I would have to treat him/her.
52 Unfortunately, I was wrong.

53
54 On March 20, 1998 Jamie came back into my office. I had just finished with another patient so my
55 receptionist sent Jamie straight back to the exam room where I was. I could hardly believe my eyes
56 when s/he walked in. S/he looked sick and was having some difficulty walking. My first fear was
57 that I had misdiagnosed the volleyball injury and that s/he might have had something more serious.
58 When I asked Jamie what happened, s/he said his/her head had just gotten worse.

59
60 This time, I did order a CAT scan that revealed some swelling and irritation of the brain near the left
61 temple. On March 20, Jamie was suffering from a more serious closed head injury resulting from a
62 significant jostling of the internal contents of the skull. I prescribed some medication to help with
63 the dizziness and nausea Jamie was complaining about. I also prescribed bed rest for a minimum of
64 three days and no strenuous physical activity for two weeks.

65
66 The evidence of trauma to the brain which I observed on March 20 was not consistent with the
67 events of the previous volleyball injury Jamie described to me. Therefore, I began to suspect Jamie
68 had been participating in something else that injured his/her head. The medical evidence at that
69 point indicated a strong blow to the temple from a small blunt object. Neither the volleyball or
70 gymnasium floor fills this description.

71
72 Because Jamie is a minor, I contacted his/her mother and suggested she come down to the office to
73 fill out the insurance forms for the injury. Mrs. Killian was surprised to learn that Jamie was at my
74 office. She said she noticed that Jamie looked like she wasn't feeling well, but thought it was just the
75 flu. When Mrs. Killian arrived I explained what I had found. She said she would get to the bottom
76 of this and marched into the examination room where Jamie was resting.

77
78 Mrs. Killian began yelling at Jamie and I could hear what was being said. Mrs. Killian demanded to
79 know why s/he was lying about the injury. When Jamie wouldn't respond, Mrs. Killian accused
80 Jamie of being on drugs. Jamie began crying at this point and told his/her mom that s/he would
81 explain what happened if she promised to stop yelling. At this point, I knocked on the door to the
82 exam room and asked if I could listen to the rest of the conversation. In order to treat Jamie
83 properly, I needed to know more about the cause of the injury. My examination revealed the general
84 nature of Jamie's injury, but I wanted the specific details so I could better assess the damage. I also
85 wanted to be there in case the Killians began making a scene again.

86
87 Jamie explained that s/he and his/her friends had skipped a day of school earlier that week and gone
88 to R.A.G.E. Enterprises, a recreational organization on the edge of town. I am familiar with
89 R.A.G.E. and its owner because I have treated kids who have been injured there in the past. The
90 owner, Chris Schultz, is always thinking up wild stunts to try to attract the high school students.

91
92 His/her newest addition is a field where teams play paintball wars, which is what Jamie went to do. I
93 have never personally played this horrible game or watched anyone play it at R.A.G.E. I have seen

94 it on television on several occasions, however. It is exciting to watch, but it seems like it would
95 promote violence among children.

96
97 Before Jamie even got a chance to say exactly how the injury had happened. Mrs. Killian threw a
98 fit. She said she had ordered Jamie never to go to that "den of sin" as she called it.

99
100 Eventually, Jamie was able to spit out the story of getting hit in the head with a paintball and almost
101 getting knocked out. His/her description of events is consistent with my analysis of the medical
102 evidence revealed by the CAT scan.

103
104 It is my opinion with a reasonable degree of medical certainty that the injuries I treated Jamie
105 Killian for on March 20 were caused blunt trauma, probably a sharp blow to his/her temple. This
106 injury caused Jamie a great deal of discomfort and caused him/her to miss two weeks of school and
107 work. If s/he had tried to work during this time it would have prolonged his/her recovery time.

108
109 When someone is struck in the head with a blunt projectile there are many factors that generally
110 determine the damage caused by the impact. Among these factors are the distance from which the
111 projectile was fired, the speed at which it was fired, the consistency or density of the projectile, and
112 the place upon the head where it lands.

113
114 It troubles me that the Chris Schultz apparently did not provide any protective headgear for
115 participants. The human temple is a very fragile area because the bone of the skull is thinner and
116 there are many blood vessels. If this area was left unprotected, I hate to think of what else might go
117 wrong at that place.

118
119 Jamie has been lucky to make a nearly full recovery so far. S/he complains of some diminished
120 motor skills and occasional headaches and dizziness, but s/he is fortunate because for the most part
121 s/he has been able to function in the manner s/he did before the incident. Closed head injuries are
122 especially problematic and difficult to rehabilitate.

123
124 The fact that the trauma did not knock him/her unconscious does not mean it was not serious. Most
125 people are rendered unconscious because of a sudden jarring or "whiplash" that immediately alters
126 the person's equilibrium and induces them to pass out. The paint pellet is a small enough object that
127 this jarring probably did not take place. Even so, the pellet was obviously of a consistency necessary
128 to cause damage and it seems like it must have been fired by a high velocity weapon.

129
130 -----

131 Subscribed and sworn to before me
132 this ____ day of _____, 20__.

133
134 -----

135 Notary Public

136
137

1 COUNTY OF CINCHFIELD

2)ss-

AFFIDAVIT

3 STATE OF URBANA

4
5 RIPLEY WAIT, being duly sworn, deposes and says:

6
7 My name is Ripley Wait. I am the proud new owner of Ripley's Unbelievable BBQ and Paint Ball at
8 4209 Southeast Delaware in Story City, just north of Clarion. I am 21 years old. I graduated from
9 Pecos High School in 1997 and began working at R.A.G.E. Enterprises as a cashier. I stayed with
10 the company until last April. The pay was not good, but it was otherwise a decent working
11 environment. Chris Schultz treated me well until the fall of 1997 when I began questioning his/her
12 authority. I am normally very respectful, but Chris was instituting a new paint ball game called
13 Sabotage, and making some potentially dangerous errors.

14
15 I've been around paintball my whole life. Heck, we used to throw paint at each other growing up
16 before there was such a thing as paintball. When the IPA or International Paintball Association was
17 formed in 1986, my Uncle Joe Bob and I became charter members. Uncle Joe Bob accumulated
18 some of the best paintball guns and safety equipment around not like the shoddy stuff used at
19 R.A.G.E. I read many paintball magazines and have competed in national tournaments.

20
21 Sabotage began being played at R.A.G.E. enterprises on Labor Day of 1997. The game was not
22 advertised much because we wanted to perfect the playing field before we had too many customers.
23 However, from word of mouth alone, business really picked up. During the last month of the fall
24 season in November, there was a minimum of 100 people a week on that course. Chris was
25 convinced that s/he had finally stumbled on the idea that would make him/her a millionaire. Some of
26 his/her friends thought so too since they began coming into the center to ask about franchise
27 opportunities.

28
29 The first few months of the game went well. Most people in this part of the country hadn't seen
30 paintball, but when they tried it they were impressed. In early December we shut the game down
31 because it was too cold for people to stay outside for long periods. People were also complaining
32 about paint balls starting to hurt. Apparently the cold air made them sting, and they didn't always
33 break like they were supposed to. We store the paintballs indoors, but if they're outside long enough
34 they'll begin to harden. They don't freeze solid, but the liquid does thicken and become heavier.
35 When the shell doesn't break, there's no give upon impact. Then it's like getting hit with a marble
36 instead of paint. Personally, I think pain is an integral part of the sport, but you've got to be careful.

37
38 At my new paint ball center, we don't start any games when the temperature falls below 42 degrees.
39 This may be a bit over cautious, but I would rather err on the side of safety. Under most
40 circumstances, paint ball could still be safely played at temperatures between 38 and 40 degrees. I
41 don't know exactly what the temperature was on March 17. We didn't have any thermometers
42 outside the complex.

43
44 Most of the snow in Cinchfield County had melted by the end of February and Chris wanted to start
45 the game back up. S/he had made some revisions on the course over the holidays and was anxious to
46 test them out. S/he even wanted to have a grand re-opening for the game. It seemed odd to bill a
47 game as new when it started six months ago, but marketing isn't my strong suit. I told Chris we

48 should hold off on the games until it warmed up, but s/he said there were customers waiting and we
49 had the bottom line to think about.

50
51 The main reason Chris and I began to fight was the equipment s/he used. Chris refused to do the
52 proper research necessary to choose good equipment. I don't actually know how much s/he spent on
53 safety gear, but I do know Chris, and s/he probably always just went with the cheapest thing s/he
54 could find. I know the goggles weren't the best he could buy and I heard they had started fogging up
55 at various tournaments.

56
57 I tried out all the equipment R.A.G.E. purchased before giving it to customers. I use my own
58 customized equipment when I play in tournaments, but I want to know exactly what my company's
59 customers are getting. It's possible to use your own equipment on the R.A.G.E. course, but most
60 people don't want to invest in their own set of gear.

61
62 After I tested out all the equipment, I sent Chris an email outlining my concerns. I noticed that the
63 pressure setting on the guns, the setting that determines the force behind the paint ball, tended to
64 fluctuate and slip. S/he never replied. I didn't give Chris any articles that were written about
65 equipment or any safety reports because I didn't think it would do any good. Chris wouldn't listen to
66 anything if it meant spending any money.

67
68 There were other areas where Chris tried to cut corners, but I didn't realize their potential safety
69 impact until Jamie got hurt. When we started the game back up in the end of February, we continued
70 to use the initial shipment of ammunition that we had purchased in the fall. Since the paint balls had
71 been purchased in bulk, we still had a few cases left. Chris refused to buy more saying that paint is
72 paint. That's true to some degree, but after a few months the paint starts to congeal. Ordinarily this
73 would not be much of a problem, but combining old paint with cold temperatures is asking for
74 trouble.

75
76 When Chris revised the Sabotage course s/he created another potential hazard. In order to run two
77 games at once he cut the size of the original playing field almost in half. That results in more shots
78 being fired from shorter distances. To protect the players, s/he should have instituted a rule that
79 people could not fire at each other within 10 feet, but s/he did not.

80
81 I didn't mention these issues when the game opened in the Spring because Chris was already mad at
82 me for telling some people from the local high school soccer team that it would be best for them to
83 avoid playing R.A.G.E.'s human dartboard game until their season was over. Besides, except for a
84 few sprained ankles and the like, there were no injuries from Sabotage during the fall season. I never
85 tried to talk anyone out of playing Sabotage because I think paintball is a great sport, even when
86 played with rented equipment. Sure, Jamie was in the middle of volleyball season on March 17,
87 2000, but I wanted a chance to challenge him/her. Because of his/her success in athletics, s/he had
88 kind of a bad attitude. I couldn't wait to get him/her on my turf. I may have even egged him/her on a
89 bit. I don't really remember.

90
91 Chris did make an effort to warn kids about some of the potential dangers of the game. S/he put up
92 some signs and told all employees to require that everyone wear their safety equipment. I know that
93 Jamie was wearing goggles when s/he left the staging area on March 17. I did tell the kids that
94 goggles were required at all times. It is part of my normal list of instructions.

95 There wasn't anything unusual about the specific game Jamie was injured in. Jamie's team lost their
96 earlier game that morning and s/he seemed determined to win this time around. That would be easier
97 said than done, however. One person on the other team said his hands were going numb so he
98 decided to go inside and play video games. Ordinarily, I probably would have given him a hard time
99 about being a wimp, but his quitting gave me a chance to play so I was all for it.

100
101 Once the game got underway I was going to make a break for the flag, but Jamie had me pinned
102 down pretty good. The kid wasn't much of a shot, but I stayed low so I wouldn't risk getting hit.
103 After a few minutes Jamie seemed to be out of ammo, and my buddy Nightstalker was coming in
104 from the right flank. I dashed towards the flag to sucker Jamie into exposing his/her position. S/he
105 fell for it and stood up. Stalker never misses an open shot and this was no exception.

106
107 I ducked as Jamie stood up so I didn't realize that s/he wasn't wearing the goggles. That was a stupid
108 thing for Jamie to do. As soon as I saw s/he didn't have them, I yelled for a cease-fire and everyone
109 stopped shooting. Unfortunately, Jamie already went down hard.

110
111 I went over to see how Jamie was doing. S/he was laying on the ground holding his/her head, but
112 was still conscious. The other referee and I made sure s/he didn't have a neck or back injury and
113 then helped Jamie sit up. I asked if s/he needed help and Jamie began to complain about me not
114 admitting to being killed. Since s/he didn't come close to hitting me, I thought s/he might be
115 delirious. Then, Jamie stood up, walked away and didn't appear show any effects from the blow.

116
117 Jamie went inside the complex and sat down for a while. Since s/he was walking under his/her own
118 power and declined medical treatment, I thought s/he would be fine. I had also told him/her s/he
119 could stop at the counter and talk to Chris if s/he needed any other help. I finished another game of
120 Sabotage and went inside to check on Jamie. This was 30 - 45 minutes after s/he went inside. When
121 I got there s/he was gone. One of his/her friends said s/he had already gone home. I have not seen
122 Jamie since that time.

123
124 Jamie shouldn't have taken off the goggles on the field, but if they weren't working, I don't blame
125 him/her. Paint ball is not a game for the weak. Still, whenever you remove a piece of safety
126 equipment on the battlefield, especially your goggles, you should always call for a cease-fire.

127
128 No one should probably have been playing paintball on March 17, 2000. It was nearly freezing out.
129 This kind of incident will never happen at my new paintball arena. On the other hand, it's not
130 entirely Chris's fault either. S/he was a cheapskate, but even a good manager can't control what
131 every player does every minute of every game.

132
133 All in all, Sabotage was a good addition to R.A.G.E. and a good thing for the people of Cinchfield
134 County. It introduced them to the sport and held them over until my place could be opened. Now
135 they have a place where they can have fun and stay safe. That's an unbelievable combination that
136 should make Chris even more nervous than this lawsuit.

137 -----
138 Subscribed and sworn to before me
139 this ____ day of _____, 20__.

140 -----
141 Notary Public

1
2 COUNTY OF CINCHFIELD

3)ss.

AFFIDAVIT

4 STATE OF URBANA

5
6 CHRIS SCHULTZ, being duly sworn, deposes and says:

7
8 I'm Chris Schultz. I'm 49 years old and have been for about three years now. You'll never here me
9 utter the word 50 while I've still got my own teeth. I have a wonderful spouse named Pat and three
10 kids. Kenny is 19 and the twins, Chad and Bridget, are 16. Being an entrepreneur has been really
11 good for my family. I'm able to provide for them and spend lots of time at home.

12
13 I was born in Clarion and have lived in different parts of Cinchfield County most of my life. I didn't
14 know what to do with my life when I graduated from high school. I didn't have the money to go to
15 college and I wasn't inclined to take a 9 to 5 job. I've got some problems with authority so I had
16 always planned on being my own boss. I'd rather give the orders that take them if you know what I
17 mean.

18
19 Since my junior year of high school I've always tried to spend my summers on the coasts to keep
20 track of new fads and trends. I thought that if I was exposed to enough ideas I could eventually
21 bring one of them to Urbana and make a small fortune. After some ill-fated ventures with pet
22 vegetables
23 and home chainsaw carving kits, I had the ultimate brainstorm. The secret to my success wasn't in
24 capitalizing on one fad - it was in taking advantage of all of them.

25
26 It was with this theory that R.A.G.E. Enterprises was born on September 20, 1978. I had saved up
27 all my money from odd jobs for years and was able to attract additional investors from around the
28 community. They realized that there wasn't much to do in the area and that a new entertainment
29 complex could really take off. My idea for the center was to have it capitalize on what ever activity
30 was hot at the moment. For a lot of years I was just able to turn a small profit after paying off the
31 bills and loans, but eventually, I hit it big.

32
33 I am now the proud owner and operator of an entertainment empire. It was born in Urbana of all
34 places, but now this one horse state can't hold me back any longer. Due to the wild success of
35 Sabotage I've recently sold franchises of R.A.G.E. to pals of mine in Kenosha, Racine, Stillwater,
36 and Hackensack.

37
38 One of the reasons that Sabotage has been so popular with investors is that it doesn't take a lot of
39 overhead to get started. In Urbana, I can't charge the outrageous fees for playing time that paint ball
40 operations in other states get. That means I have to find some other ways to keep costs down. It has
41 taken some innovative thinking, but in the end, that hard work allows me to provide the best
42 entertainment value in town.

43
44 Some of the cost-cutting measures I took when implementing the game were buying paint balls in
45 bulk, buying used guns, and buying the from a company that was going out of business. I was kind
46 of suspicious at the great price for the goggles, but the sales rep told me they had never had a pair
47 of goggles crack upon impact and that I could return the whole line if that ever happened.

48 During the holidays of 1999, I made great improvements to Sabotage. My biggest customer
49 complaint in the fall was the lack of power of the guns. I felt they were pretty good for used
50 equipment, but hey, the paying customer is always right. That's why I paid one of my regular
51 customers to adjust all the guns to fire the balls at a higher velocity. The international safety
52 standard for paint guns is to fire at a rate of no more than 300 feet per second. I had this guy set the
53 guns at a rate of 295 fps. Because this was a homemade adjustment, the paint balls didn't all fire at
54 exactly the same speed. On the average, however, I was giving my customers great gun speeds and
55 following safety regulations.

56
57 Another change I made was to reduce the size of the playing field and put in more obstacles. This
58 makes for less running around and more shooting and hiding. Because of the additional obstacles,
59 competitors actually get hit by less direct shots than they would have in the past. The smaller fields
60 also make the games faster paced and more exciting.

61
62 I run a clean, cutting-edge operation and hire the best employees. The best ones who'll work for
63 minimum wage anyway. Many of the games at R.A.G.E. are physical contests. Therefore, I make
64 everyone who plays sign a document acknowledging the nature of the activity. This is my policy
65 and I follow it every time. I don't want to get sued, especially when things are just starting to take
66 off for me. I also ID the high school kids from Williamstown and Pecos to make sure they aren't
67 minors.

68
69 I got no way of knowing whether a signature on my form is authentic. I'm no forensicologist or
70 whatever handwriting experts are called. I just know, if there's a signature on the paper it's good
71 enough for me. In Jamie's case I remember that s/he got the form signed quickly, but for all I know
72 his/her mom was out in the car.

73
74 We provide safety equipment for all the participants and inform them that they have to wear this
75 protective gear in order to play Sabotage. The goggles are especially important because they protect
76 the eyes, which are very vulnerable. My employees who brief the kids immediately before the game
77 are required to announce that goggles may not be taken off under any circumstances. I did not see
78 the briefing before the game where Jamie was injured, but I am very firm about this warning policy.
79 My workers know that if they fail to provide this instruction about the goggles even once, it is
80 grounds for termination.

81
82 We also have warning signs posted at the information desk and in the changing area. The changing
83 area is dark because it is lit with black light for effect. The signs are still easy to read in my opinion.
84 I specifically told Jamie and his/her friends to read the same warning sign posted behind the
85 information desk. I can't specifically say whether s/he read it, but if I told him/her to, what else can
86 I do?

87
88 I feel terrible that anyone got hurt at my establishment, but those are the breaks. If his/her goggles
89 really weren't working, which I think is just a story, s/he could have called for the field judge who
90 would have immediately called a time-out and escorted him/her safely off the field. All a player has
91 to do to call a time-out is yell "Cease fire" and hold their gun straight up in the air. The players are
92 told in the pre-game warm-up that they are to immediately stop shooting if they hear that warning. I
93 would have inspected Jamie's goggles and given him/her a new pair if necessary. To be fair, I
94 wouldn't have even charged for the game s/he came out of, even though s/he played more than half

95 of it. Taking the goggles off was stupid and his/her own fault. S/he needs to accept personal
96 responsibility for his/her actions.

97
98 There are no real "losers" in paintball. As long as you fight valiantly, you gain the respect of your
99 opponents. In most games of Sabotage only a few people survive, and the same people can't avoid
100 getting shot every game. Players understand the risks of the game and that's why they respect
101 restrictions like the "Cease fire" rule. Calling a time-out would not have hurt "Killer" Killian's
102 reputation. I just don't understand what s/he was thinking.

103
104 Anyone who had been to R.A.G.E. in the last six months should have been able to tell how seriously
105 we take goggles around here. There's even a slogan to remind employees to check for goggles
106 during the equipment test before the game starts, "No glasses, No passes."

107
108 One of my former employees did send me an email once about the quality of my equipment - as I
109 said, we love technology around here. Ripley Wait said s/he felt we weren't using the best weapons
110 and protective gear we could be. S/he further said his/her uncle had some prime stuff we could rent
111 if we wanted. I'm sure that Ripley meant well, but there was no way I was going to pay large
112 amounts of cash for weapons that we couldn't even own. Ripley just didn't realize that to run a
113 profitable business you have to limit your costs. That's why his/her establishment will never get off
114 the ground. S/he may attract a lot of customers, but paintball will probably go out of style before
115 s/he is able to pay off all of that fancy-schmancy equipment.

116
117 I am not any sort of technician or engineer, but I can test out equipment and see if it works. I'm an
118 avid player of the game and I use exactly the same equipment I rent out to customers. To my
119 knowledge we never had any major problems with our goggles fogging up prior to the events of
120 March 17, 2000. We have even had a positive review article in Paint Ball Monthly. The article is
121 framed and on the wall behind the ticket counter. The reviewer didn't really like our equipment, but
122 s/he didn't report any problems with it. If the reviewer had recommended that we implement
123 additional safety precautions, we would have immediately done so.

124
125 Since Sabotage began, I figure that thousands of people have played the game and there have been
126 only minor injuries. A few people before and even after Jamie have lost their heads and removed
127 their goggles on the field. Usually this has occurred in the split seconds when someone is frustrated
128 after being shot. In all of those cases, someone else usually thought to call a cease-fire or order the
129 person to put the goggles back on.

130
131 Other than Jamie Killian, we have never had a participant sustain a head or eye injury.
132 Just because someone is injured playing a sport does not mean the game is unsafe. People get hurt in
133 established, organized sports all the time. Look at how many people are injured every year playing
134 football or even running track. Sometimes accidents happen, and sometimes people cause their
135 own injuries when they don't follow instructions. If Sabotage was inherently unsafe, I would not
136 have added it to my business. Heck, my kids are big fans of the game and you can be sure I wouldn't
137 let them play it if I thought they were at risk.

138 -----
139 Subscribed and sworn to before me
140 this ____ day of _____, 20__.
141 -----Notary Public

1
2 COUNTY OF CINCHFIELD

3)ss.

AFFIDAVIT

4 STATE OF URBANA
5

6 J. T. HAHN, being duly sworn, deposes and says:
7

8 My name is J.T. Hahn. I am 19 years old and a freshman at Southern Urbana University. Jamie
9 Killian used to be one of my best friends. We hung out a lot in high school. Volleyball isn't one of
10 the more popular spectator sports so when I wasn't busy studying, I tried to go and cheer on the
11 team during big road games. Jamie and I and some of the other players would usually go out for
12 pizza or to parties after those games. I don't know if Jamie will ever forgive me for testifying
13 against him/her in this lawsuit, but I still feel it is my duty to tell the truth.
14

15 I was with Jamie both when s/he was injured playing volleyball, and when s/he was hurt playing
16 paint ball on March 17, 2000. The volleyball injury seemed a lot more serious to me. I mean, s/he
17 got knocked cold that day. When she went to see the doctor s/he was told to avoid physical activity
18 for a while. That advice was enough for the coach to keep Jamie on the bench, but it wasn't enough
19 to keep Jamie from getting on the court in pickup games after practice.
20

21 When s/he got hit in the head with the paint ball, s/he was only hurt for a second. When Ripley and
22 one of the referees came over to see if s/he was okay s/he got up and said s/he was ready to keep
23 playing. I think his/her exact words were "If the paintball didn't break, I'm not dead yet." I talked
24 Jamie into going home anyway because I didn't want to mess around with a head injury especially
25 after how sick the last one made him/her.
26

27 After the incident at R.A.G.E., I saw Jamie the next day, but then I didn't talk to him/her for a
28 couple of weeks. We don't have any classes together so I did not realize that s/he was absent from
29 school. Sometimes we talk a lot on the phone, other times we'll go weeks without speaking. It just
30 depends on our schedules. I had some tough exams during this time so I didn't have time to
31 chat. I figured Jamie wasn't calling me because s/he was busy with volleyball.
32

33 It's true that Jamie, a bunch of our friends and I skipped school to go to R.A.G.E. It's really not like
34 me to do something like that, but I hadn't missed a day of class all year and was feeling a little wild.
35 I was glad that Jamie was able to get home him/herself after getting hurt that day. I didn't really
36 want to have to call a doctor because I figured we would then get caught for cutting class.
37

38 I saw the warning signs about Sabotage at R.A.G.E. It said that this was a physical game and all
39 participants assume the risk of any injury. The signs were small, but I could make them out fine.
40 The counter where we paid for the game was not very far from the wall where the sign was posted.
41 When Chris told us to read the sign I did see Jamie glance in the general direction that s/he pointed.
42

43 The warning signs made the game sound somewhat dangerous, but I figured they wouldn't have a
44 sport like this if it wasn't safe. After doing a quick mental calculation, I decided the odds of getting
45 hurt were pretty slim. Once when the game first opened, I found an article on the Internet that said
46 more people are hurt playing golf every year than paint ball. That's a pretty good statistic in my
47 book.

48
49 Before we started playing we were told that if we thought we were in any danger for any reason, or
50 if we had a technical problem, we could call for the referee and the match would be immediately
51 stopped until the problem was resolved. I don't remember being specifically told not to remove the
52 goggles. Jamie and I were fooling around during the pre-game briefing so maybe that's why we
53 didn't hear the warning if there was one. In any case, such a warning would have been redundant.
54 Leaving the safety equipment on seems like a common sense idea to me.

55
56 When the instructor started talking about shooting and killing, Jamie got all worked up. We had
57 never been out to play this game before, but I think Jamie was a closet fan. S/he said s/he had seen
58 the championships on television and thought s/he could play with the pros. S/he seemed familiar
59 with how the game was played and was impatient during the safety instructions. Sometimes his/her
60 competitive spirit really gets the best of his/her judgment.

61
62 The preferential treatment Jamie receives as an athlete has always been a bit of a strain on our
63 friendship. The academic competitions I'm a part of never seem to get as much respect as the
64 sporting events Jamie's involved in. I try not to let it bother me, but it's hard - especially when
65 Jamie's ego starts working overtime. S/he is used to getting away with whatever s/he wants. We had
66 a big falling out this past summer when Jamie wanted to go mountain biking in a restricted area and
67 I wouldn't. Jamie figured it would be a great adrenaline rush and that no one would find out, but I
68 wasn't prepared to take that risk.

69
70 Jamie's famous competitive streak was in full force on March 17, 2000. Because of the previous
71 head injury, Jamie had not been in any truly competitive situation for two weeks. That seemed to be
72 causing Jamie a lot of stress. Jamie told me s/he was far too good for the pickup volleyball s/he was
73 playing to be any sort of challenge. There may have been another reason that Jamie was obsessed
74 with winning at Sabotage that day. S/he was disobeying his/her mom to go to R.A.G.E. so Jamie
75 figured March 17 might be his/her only shot at paint ball glory. S/he wouldn't want to be
76 remembered as anything less than the best.

77
78 When our team lost the first game of Sabotage that day, s/he practically threw a fit. S/he even tried
79 to blame me for the loss, despite the fact that s/he got killed long before I did. Jamie didn't want to
80 leave the playing field to get set up for the next game, but one of the referees told him/her it
81 wouldn't take very long. We did not have to sit through another explanation of the rules because
82 there were not any new players.

83
84 During the second game Jamie was even more intense. This time it seemed like s/he was out to get
85 Ripley specifically. We were on the defensive and I was behind the same bunker as Jamie. S/he is
86 generally better at this sort of thing than I am so I was trying to follow his/her lead. The game was
87 going fine, but then Jamie ducked behind the bunker and removed his/her goggles.
88 I couldn't believe that Jamie was careless enough to remove his/her goggles in the middle of a game.
89 As soon as I saw what was taking place, I told him/her to put them back on immediately. When s/he
90 wouldn't listen to me, I was going to call a time-out and get the referee's attention. Before I got a
91 chance, Jamie stood up and got hit in the side of the head. The whole thing happened rather quickly,
92 so I don't think the shooter had any idea Jamie was in danger.

93

94 I did hear Jamie say s/he couldn't see Ripley right before s/he took the goggles off. I don't know if it
95 was because of the goggles fogging up or just because Ripley was hiding. I never had any trouble
96 with any of my equipment.

97
98 As far as the game being dangerous, I just don't see it. With the proper safety gear and some
99 extra clothes for padding, I could barely feel the paint balls. Even the ones that didn't break only
100 stung for a brief second.

101
102 Even though the injury didn't seem that serious at the time, Jamie did get real sick the next day. I
103 stopped over to visit, and s/he could hardly talk. I felt really bad, but at the same time I think the
104 injury is his/her own fault. Looks like the Killer's competitive streak finally got the best of
105 him/her.

106
107 -----

108 Subscribed and sworn to before me
109 this ____ day of _____, 20__.

110
111 -----

112 Notary Public

1
2 COUNTY OF CINCHFIELD

3)ss.

AFFIDAVIT

4 STATE OF URBANA

5
6 ALEX PAREKHI, being duly sworn, deposes and says:

7
8 I'm Alex "Smokin" Parekhi, editor of Paint Ball Monthly. I'm 63 years young. I was one of the
9 pioneers in the sport of paintball and believe I know more about it than any other man, woman, or
10 child on God's green earth. I graduated from high school in 1955. After graduation I got a job
11 covering obscure sporting events for the Cinchfield County Courier. I didn't have any experience in
12 writing, but I lied on my resume and got the job. Turned out I was pretty good at it. The paper
13 started sending me around the world to investigate and report on developing recreational activities.
14 In 1972 I witnessed what I believe to be the first ever documented game of what we now call paint
15 ball.

16
17 While trapped in a submarine for nine months, a bored but visionary sailor made a mold from a
18 small rubber ball he carried for good luck. He then developed a mixture of corn syrup and flour that
19 would harden into a shell when baked. He used this mixture to make small casings that he filled
20 with
21 water and food coloring. After borrowing a friend's slingshot he began to bombard unsuspecting
22 colleagues. By the end of the mission, everyone on board was making paint balls and various paint
23 weapons in order to defend themselves.

24
25 When they arrived back at base, this group of sailors decided to have one last game before they were
26 sent home. I was at the base doing a story on the inter-armed forces blindfolded dart tournament
27 when I saw a flier for the paintball game. After attending the game and having a wonderful time, I
28 wrote a piece that was sent over the wires and the rest is history.

29
30 Now the game is played with automatic rifles and all sorts of other gadgets. I travel to every major
31 paint ball tournament in the country and around the world. I still play in the senior division. I stayed
32 with the younger pros as long as I could, but when I broke my hip falling out of a tree they forced
33 me into semi-retirement.

34
35 Paint ball is a pretty simple idea. Small paint pellets are loaded into a pressurized air rifle and
36 combatants fire at each other. The International Paint Ball Association has set standards regarding
37 the speed at which paint balls can be fired. The top limit is 300 feet per second. I've found that
38 above 300 fps, accuracy is hard to maintain in any event, so it doesn't make sense to set weapons to
39 fire at a higher rate. Proper safety equipment is also important. Every participant must wear a
40 helmet and goggles. In addition, you should always wear a long sleeved shirt and long trousers to
41 minimize the sting of getting hit. At every paint ball facility, participants are given basic safety
42 instructions and common sense guidelines to reduce the risk of injuries.

43 In addition to my duties as editor of PBM, I also write a review column for the magazine. This
44 column is a way to highlight new courses around the country and inform paintball enthusiasts which
45 battlefields might be worth a weekend drive. These reviews rate the courses on a scale of 1 to 4
46 splatters, with four being a perfect rating. In addition to the overall score, the rating is broken down
47 into different categories including equipment, safety, challenge and course.

48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94

I had the opportunity to review the Sabotage course at R.A.G.E. Enterprises when it first opened in the fall of 1999. For a new course with an inexperienced owner, it was a fine operation. A copy of the article containing my review of R.A.G.E. is attached to this affidavit.

R.A.G.E received an overall total of 3 splatters. This is pretty high as I've never actually given an overall 4-splatter rating. I've yet to discover a perfect course. The overall rating was boosted by an exciting game structure and a 4 splatter course design. It also didn't hurt that I played Sabotage on a gorgeous, warm day.

The other reviewed components of the operation didn't fair quite as well. The safety rating was only 2 1/2 stars, largely because of some holes and unstable structures on the playing field. These potential hazards combined with a misstep or an overeager player could lead to an injury. After the review of the course was published, I spoke with Chris Schultz who indicated these hazards would be fixed. When I returned to the course in late February, the changes had been made.

The lowest rated category for the paint ball games at RA.G.E. was equipment. This category received only 2 splatters. The guns and ammunition were both of mid-line quality. The guns were older, but easy to reload and were fairly accurate. It may have been my imagination, but it seemed like the guns were firing faster when I played the course in the spring.

The problem with goggles and masks is that one size really doesn't fit all. The goggles are usually big enough, but the adjustable strap doesn't always work that well. This makes it so sometimes the eyepiece isn't pulled directly against the face. This would allow cold outside air to enter the goggles and come into contact with a player's warm skin causing the lenses to fog up. Goggles ordinarily work fine, but the potential for failure is there. While worn, goggles would be more than adequate to protect against injuries to the eyes and temples.

Another part of my job is to keep track of any injuries occurring at paint ball courses around the country. As part of their membership in the International Paint Ball Association, paint ball course owners are required to report any serious injuries that occur on their fields. A serious injury results in disfigurement or a doctor's care, except for such things as scrapes or sprains. I compile data on these injuries to demonstrate that paintball is not an extremely dangerous sport. There are some dangers to the game that would be obvious to anyone who has watched it even once, but far fewer serious injuries occur playing paintball than in soccer, football, hockey, or basketball. I've never compared it to volleyball. But, like ultimate fighting and professional wrestling, paintball has developed its enemies. When I get called to Washington to defend the sport in front of a Congressional Committee, I'll be ready with my own statistics to throw at those Senators.

The typical paint ball injury is a turned ankle or sprained wrist resulting from a fall on uneven terrain. There are occasionally broken bones when players fall out of high obstacles or into bigger ditches. The most serious injuries have been snakebites, but that's not a concern in Urbana.

I don't know of anyone ever having been killed or seriously injured as a result of being hit with a paintball, except for someone losing an eye every couple of years. Despite the movement in the industry to promote proper eye protecting, there's always someone who thinks they're indestructible.

95 Different paint balls strike with different impact depending on the consistency of the ball, the speed
96 it's fired at and the angle it hits the target. Improper equipment, inappropriate firing speeds, or
97 unusually dense paint balls could all potentially result in injuries to players. That's why the IPA
98 carefully regulates all its field owners and equipment manufacturers.
99

100 With the exception of the head injury to Jamie Killian, there have been no injuries reported from
101 R.A.G.E. Enterprises. Jamie's injury was reported to the IPA after the lawsuit was filed. This would
102 not ordinarily be considered timely reporting, but Chris Schultz said s/he had no idea Jamie had
103 been injured until the lawsuit was filed.
104

105 As far as the dispute in this case about it being too cold to play paintball I think it's a bunch of
106 malarkey. I have been to tournaments in sub-zero weather and paintballs just don't normally freeze.
107 The paint mixture can remain in liquid form for some time in the cold. I would not hesitate to play
108 paint ball in any weather, and I wouldn't think twice about organizing a game for others as long as
109 the temperature is 36 degrees or more. Of course, that minimum temperature assumes players are
110 using fresh ammunition and guns that are within the acceptable FPS limit.
111

112 Paint ball manufacturers have been working for years to try to develop the optimum hardness level
113 for the outer shell. While the quality of paint balls has improved over time, it is still difficult to
114 construct an object that is fragile enough to break every time it hits a target, but sturdy enough to not
115 break on the gun during the loading and firing process. It is true that sometimes paintballs do not
116 break, but this is more of a result of the angle it collides with someone, not the temperature of the
117 paint. Even when a paintball doesn't break, it may hit with more impact, but it does not suddenly
118 change consistency. A plastic shell is a plastic shell no matter how it hits you.
119

120 I was not at R.A.G.E. Enterprises when Jamie Killian was injured on March 17, 2000. I can say that
121 the two times I was at R.A.G.E. there were several warning signs posted. They were behind the
122 counter, but I'm 63 and I could make them out just fine.
123

124 The young woman who gave us instructions for the games I played also gave us thorough safety
125 instructions. She specifically told us not to remove our goggles for any reason if we were on the
126 playing field. It is unfortunate that someone was injured playing this fine game, but it happens. This
127 does not mean we can blame the person who ran the game. There are casualties in any battle.
128

129 -----
130 Subscribed and sworn to before me
131 this ____ day of _____, 20__.

132 -----
133 -----
134 Notary Public

R.A.G.E. ENTERPRISES

ACKNOWLEDGEMENT

I _____ acknowledge that I am physically capable of participating in the R.A.G.E paint ball games. I further state that I have read the rules governing the game or have had them read to me and that I understand these rules. I acknowledge that paint ball involves combat-like conditions.

Signature

Date

_____ is under the age of 18. I am his/her legal parent or guardian and give him/her my permission to participate.

Signature

Date

Attention all Sabotage Players:

This is a physical game requiring strength and agility. If you are pregnant or have heart/back problems, you shouldn't play this game. Please see cashier with any questions. All participants assume the risk of injury.

E-MEMORANDUM

EXHIBIT 4

To: Chris Schultz
Address: Bigshot@rage.com
From: Ripley Wait
Date: 11/15/99
Re: Sabotage Equipment

Chris-

After trying out all of the equipment for Sabotage under the current weather conditions, I believe we have two options. We can:

- A) stop the game until late March or April when the weather has warmed up, or
- B) buy fresh ammunition.

It took me some time to get the goggles to fit properly, which can be a real problem.

I know that we are trying to save up money from this opening paint ball season in order to expand R.A.G.E. in other areas, but gear is not something that can be cut back on. If cost is a concern, I can arrange for us to rent equipment from Uncle Joe Bob. It would be a cheap, short-term solution but it could at least provide adequate gear through the season.

Last time I brought this problem up you yelled at me, so if you want to talk this time, you'll have to come to me.

Ripley Wait

Patient Summary:

Jamie R. Killian

Attending Physician:

Dr. Emil(y) Castrato

Date:

3/3/00

Remarks:

Patient Jamie Killian presented on March 3, 2000 suffering from apparent blunt head trauma. Patient reports that s/he was hit in the head - left temple and occipital bone. Patient is a high school volleyball player and both patient and coach report the blow was strong and patient fell to the floor becoming unconscious for a period of 1 to 2 minutes. Patient was revived by smelling salts.

Patient appears alert and oriented, pupils have excessive dilation but there is no external bleeding. Substantive bruising extends from the top of the left occipital to the left cheekbone. Patient reports tenderness, but swelling is within normal limits and there is no sclera damage in the eye.

Diagnosis:

Probable concussion with concurrent bruising and swelling. Patient's mother should closely monitor for 48 hours and immediately return if behavioral changes are noted. Patient should avoid strenuous activity and all contact sports for 7 days.

Recheck in 7 days

Patient Summary:

Jamie R. Killian

Attending Physician:

Dr. Emil(y) Castrato

Date:

3/10/00

Remarks:

Patient returned for recheck from prior head trauma. Healing has progressed normally. Subcutaneous hematoma. is fading. No neuro-muscular damage noted

Diagnosis:

Patient may return to normal activity in 7 - 10 days.

Patient Summary:

Jamie R. Killian

Attending Physician:

Dr. Emil(y) Castrato

Date:

3/20/00

Remarks:

Patient presents with dizziness, slurred speech and nausea. Patient had prior head trauma on 3/3/00 which recheck revealed was healing normally. Patient initially claims no subsequent injury, later stating s/he sustained trauma to head while playing paint ball. Paint ball - pellet like object - struck patient in left temple. Substantial bruising has occurred and patient's neuro-muscular skills are impaired. Immediate CAT Scan ordered.

CAT Scan reveals fluid accumulation/swelling in the cranial cavity probable cause of neuro-muscular problems. Swelling appears to have stabilized.

Diagnosis:

Condition can be managed with medication. Patient ordered to engage in complete bed rest 3 days and reduced activity thereafter during healing period.

Recheck in 3 days.

Patient Summary:

Jamie R. Killian

Attending Physician:

Dr. Emil(y) Castrato

Date:

3/23/00

Remarks:

Patient continues to exhibit signs of substantive pain, dizziness, and nausea from head trauma received on 3/17. Swelling has been reduced. Patient appears to be healing normally, but full recovery may take several weeks due to the severe nature of recent trauma.

Diagnosis:

Pain medication prescribed. Dizziness and nausea are to be expected during healing period

Come be a part of the action.

**Once you enter the field,
anything goes.**

This is war!

It's kill or be killed.

Can you survive the

NEW

interactive paint ball battle,

“Sabotage?”

R.A.G.E. Enterprises

1800 Pennsylvania Ave.

(Bring in this ad for \$5 of the regular game price of \$15)

Paintball Safety Statistics

Paintball games are safer than most other sports except perhaps tiddlywinks. When played properly, Paintball is very safe. The following are statistics comparing various sports.

NOTE: The stats for tiddlywinks were not available at the time of printing!

Sports Accidents*

<u>Sport</u>	<u>Yearly Injuries</u> (per 1000 participants)
PAINTBALL	0.31
Bowling	0.50
Archery	0.66
Boating	0.92
Tennis	1.09
Golf	1.13
Swimming	1.30
Fishing	1.37
Water Skiing	1.90
Handball	2.42
Racquetball	2.53
Ice Skating	2.79
Snowmobiling	2.86
Snow Skiing	3.44
Volleyball	4.43
Gymnastics	7.13
Soccer	10.54
Bicycle Riding	11.30
Boxing	11.34
Hockey	12.46
Basketball	22.04
Rugby	23.14
Wrestling	27.37
Football	27.50
Baseball	27.67
Lacrosse	223.79
Running (0-19 miles/week)	294.00
Running (20-29 miles/week)	384.00
Running (30-39 miles/week)	461.00

Injury is defined as one that results in some degree of permanent impairment, or renders the injured person unable to effectively perform his regular duties or activities for at least one full day beyond the day of the injury.

* Source: National Safety Council

Alex Parekhi's Random Splatters Review

R.A.GE Enterprises, Cinchfield County, UR

Course Design:



This course has a truly interesting design that lends itself to many different games. The layout for Capture the Flag is superb. Close quarters lead to some welcomed in-fighting and sneak attacks. If the field was any smaller, players could start counting the welts from point-blank shots. As it is, you're still never safe on this course. If you're near Urbana, It's definitely worth a visit.

Equipment:



Guns and ammo are decent, but older. Safety gear meets international standards.

Safety:



The safety aspect of R.A.G.E. leaves a little to be desired. The biggest hazards were some shallow holes and unstable obstacles on the field.

Overall:



This little course in the small state of Urbana turned out to be a pleasant surprise. It's brand new and needs to be better organized, but for the most part, It's a top-notch field and complex.