

1 Attorney
Law Firm
2 P.O. Box 1234
Saipan, MP 96950
3 Telephone: (670) 555-3737
Fax: (670) 555-3713

4 Attorney for Jamie R. Killili
5
6

7 **IN THE**
8 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**
9 **SUPERIOR COURT**
10

11
12 JAMIE R KILLILI)CASE NO. MT03-2004
Plaintiff)
13 v.) **COMPLAINT**
RAGEENTERPRISES and CHRIS)
14 SCHULTZ)
15 Defendants)

16
17 **COMPLAINT**
18

19
20 Now comes the Plaintiff, JAMIE R. KILLILI and sues the Defendants, RAGE ENTERPRISES and
21 CHRIS SCHULTZ, for damages and personal injuries as a direct and proximate result of negligence of
22 the Defendants on or about April 10, 2003 on the island of Saipan, CNMI.

- 23 1. Jurisdiction is conferred upon this honorable court by virtue of CNMI MT Code, as this cause of
24 action arose on the island of Saipan, Commonwealth of the Northern Mariana Islands and this
25 Honorable court is the proper forum with respect to venue as prescribed in CNMI MT Code.
26 2. The plaintiff, JAMIE R. KILLILI, is a resident of Saipan, CNMI.
27 3. The Defendant, CHRIS SCHULTZ, is a resident of Saipan, CNMI.
28
--

- 1 4. CHRIS SCHULTZ is the owner and operator of RAGE ENTERPRISES, which is located on the
2 island of Saipan, CNMI.
- 3 5. RAGE ENTERPRISES is a corporation in the CNMI. Its primary shareholder and manager is CHRIS
4 SCHULTZ. On April 10, 2003, RAGE ENTERPRISES was a business held open to the public as a
5 place of amusement.
- 6 6. Plaintiff brings suit to recover for personal injuries sustained by the Plaintiff as a result of a dangerous
7 condition of the Defendant's property. Specifically the plaintiff was injured while participating in a
8 game called "Sabotage" which was created and sponsored by the Defendants.
- 9 7. At the time and on the occasion in question, the plaintiff was an invitee on the defendants' property,
10 having gone there for the purpose of socializing.
- 11 8. The Defendants advertised a game called "Sabotage" to the Plaintiff and other patrons of RAGE
12 ENTERPRISES. The employees of the defendants assured the Plaintiff the game was safe and there
13 were no signs or notices posted warning the plaintiff of any dangers or risks associated with playing
14 the game called "Sabotage."
- 15 9. The game of "Sabotage" is played by two teams consisting of five to ten individuals who put on
16 protective gear provided by the Defendants and proceed to shoot paint filled pellets at one another
17 through powerful weapons also provided by the Defendants.
- 18 10. The Plaintiff, while participating in the game of "Sabotage" on the Defendants premises, was injured
19 when the Plaintiff was struck in the left temple by a frozen paint ball pellet.
- 20 11. The Defendants provided safety goggles to wear during the game but participants were never told
21 they had to wear these goggles and the goggles themselves were in effective and prone to fogging up.
- 22 12. The game of "Sabotage" offered at RAGE Enterprises in an unreasonably dangerous and unsafe game
23 created by the Defendant, CHRIS SCHULTZ. The Defendant knew of the unreasonably dangerous
24 condition and neither corrected nor adequately warned the Plaintiff of it. The Plaintiff did not have
25 knowledge of the dangerous condition and could not have reasonably been expected to discover it.
26 The Defendants had, or in the exercise of due diligence, should have had constructive and / or actual
27 notice of the defective dangerous and unsafe nature of the game and Defendants failed to correct the
28

1 same. The defendants' failure to correct the condition or warn the Plaintiff constituted negligence
2 and such negligence was the sole and proximate cause of the Plaintiffs' injuries.

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

8 14. WHEREFORE, the Plaintiff, JAMIE R. KILLILI sues the Defendants RAGE ENTERPRISES and
9 CHRIS SCHULTZ and demands monetary judgement.

10
11 Respectfully submitted

12
13 By: _____
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
--

1 The Other Attorney
Dewey Cheatham and Howe
P.O. Box 5678
2 Saipan, MP 96950
Telephone: (670) 555-7245
3 Fax:(670) 555-3710

4 Attorney for RAGE ENTERPRISES AND CHRIS SCHULTZ

5 **IN THE**
6 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**
7 **SUPERIOR COURT**

8 JAMIE R KILLILI

9 Plaintiff

v.

10 RAGEENTERPRISES and CHRIS SCHULTZ

11 Defendants

12 **IN THE COMMWEALTH OF THE NORTHERN MARIANA ISLANDS**
13 **SUPERIOR COURT**

14 JAMIE R. KILLILI

15 Plaintiff,

16 v.

17 RAGE Enterprises and CHRIS SCHULTZ

18 Defendants,

19
20 **ANSWER**

21
22 Now comes the defendants, RAGE ENTERPRISES and CHRIS SCHULTZ, and for Answer to the
23 Complaint filed against them in this cause, say as follows:

- 24 1. The Defendants deny the Plaintiff is entitled to recover any sum from them as damages.
25 2. Paragraphs 1,2,3 and 4 are admitted.
26 3. In response to the allegation contained in paragraph number 5, it is admitted that on April 10,
27 2003, RAGE ENTERPRISES was a business held open for public use a place of amusement
28
--

1 4. In response to the allegation contained in paragraph number 6, the defendants admit that the game
2 "Sabotage" was created and sponsored by the Defendants. The remaining allegations contained in
3 paragraph number 6 are denied.

4 5. The Defendants lack information sufficient to form a belief as to the truth of the allegations
5 contained in paragraph number 7 and therefore, denies the allegations and demands strict proof.

6 6. No response to the allegation contained in paragraph 8; it is admitted that the defendants
7 advertised a game called "Sabotage." The remaining allegations contained in paragraph 8 are
8 denied.

9 7. In response to the allegation contained in paragraph 9, the defendants admit the description in
10 paragraph 9 is a general explanation of the game of Sabotage.

11 8. The Defendants lack information sufficient to form a belief as to the truth of the allegations
12 contained in paragraph 10 and therefore, deny the allegations and demand strict proof.

13 9. In response to the allegations contained in paragraph 11, the defendants admit that goggles were
14 provided. The remaining allegations contained in paragraph 11 are denied.

15 10. Paragraph 12 is denied.

16 11. The defendants lack information sufficient to form a belief as to the truth of the allegations in
17 paragraph 13 and deny the allegations.

18 12. Each and every other allegation of the Complaint not admitted is now denied generally.

19
20 **AFFIRMATIVE DEFENSES**

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

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

27 15. The Defendants aver that Plaintiff's negligence is equal to or greater than the alleged negligence
28 of the Defendants and the Plaintiff there fore cannot recover. In the alternative, it is averred that
--

1 the Plaintiff is guilty of a substantial degree of negligence requiring a reduction of damages in
2 proportion to the degree of the Plaintiff's own negligence.

3 16. The Defendants aver that the Plaintiff assumed the risk of the injury by playing or participating in
4 the game of Sabotage and that the defendants had posted warning signs stating that participation
5 in the game is voluntary, and that the game requires good physical health, physical strength and
6 agility, and each player assumes the risk of any injury that may result from playing this game, and
7 therefore the Plaintiff can not recover any damages from the Defendants.

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

11 Respectfully submitted

