

## **JOINT PRETRIAL STATEMENT**

### **1. STATEMENT OF THE CASE**

Jamie R. Killili, the plaintiff, is suing Chris Schultz and RAGE Enterprises, the defendants, for injuries s/he claimed to have sustained on the Defendants' premises while playing a game of paint ball on April 10, 2003. 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 but 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 Commonwealth Utilities Commission, the average temperature in the building on April 10, 2003 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.

### **2. ISSUES TO BE LITIGATED AT TRIAL**

The issues in the case are:

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

### **3. WITNESSES EXPECTED TO BE CALLED AT TRIAL**

- a. FOR THE PLAINTIFF
  - Jamie R. Killili, Plaintiff
  - Dr. Carey Castro, Plaintiff's doctor
  - Kelly Jones, former RAGE employee
- b. FOR THE DEFENSE
  - Chris Schultz, defendant
  - J.T. Hocog, friend of plaintiff
  - Alex Kim, 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 their witnesses.

**4. 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 Operation Action Oceania
5. Memo from Kelly Jones to Chris Schultz
6. Medical records
7. Advertisement for Sabotage
8. Paintball Safety Statistics
9. Testimony of any all witnesses