

Sloane Wilder v. Brogus Basin Ski Resort

2026 IDAHO HIGH SCHOOL MOCK TRIAL CASE





TABLE OF CONTENTS

ACKNOWLEDGEMENTS	1
DISCLAIMER	1
VERSION CHANGES	1
VERSION 1.0	1
FINAL VERSION	1
STIPULATIONS	1
COMPLAINT	3
ANSWER	6
PLAINTIFF WITNESSES	9
SLOANE WILDER: PLAINTIFF	9
BRUSSELL MCKAY: FORMER BROGUS BASIN EMPLOYEE	15
ALVA SNORKELSSON: MANAGING PARTNER, ALPINE VENTURES	21
DEFENSE WITNESSES.....	26
RUDY CARNAP: GENERAL MANAGER, BROGUS BASIN	26
CASEY KOWALSKI: SKI PATROL, BROGUS BASIN	33
JORDAN ELLIS: RISK CONSULTANT, EYE WITNESS	41
EXHIBITS.....	48
EXHIBIT 1: BROGUS BASIN DAY PASS FOR SLOANE WILDER (FRONT & BACK)	49
EXHIBIT 2: SKI RUN DIFFICULTY CHART	50
EXHIBIT 3: BLACK DIAMOND WARNING SIGN AT THE TOP OF CRUSTY’S COULOIR	51
EXHIBIT 4: EQUIPMENT WARNING SIGN ON CRUSTY’S COULOIR	52
EXHIBIT 5: SNOWMAKING MACHINE ON CRUSTY’S COULOIR	53
EXHIBIT 6: BROGUS BASIN SKI RESORT WEATHER REPORT FROM APRIL 1, 2023	54
EXHIBIT 7: NOTES FROM MCKAY TO CARNAP	55
EXHIBIT 8: SLOANE WILDER’S ACCIDENT REPORT	56
EXHIBIT 9: TRAIL MAP FOR CRUSTY’S COULOIR	57
EXHIBIT 10: ALVA SNORKELSSON’S SITE INSPECTION REPORT	58



EXHIBIT 11: EUROPEAN STANDARD BLACK DIAMOND WARNING SIGN	60
EXHIBIT 12: BROGUS BASIN AUDIT FINDINGS LETTER.....	61
EXHIBIT 13: SKI PATROL INSPECTION LOG.....	63
JURY INSTRUCTIONS	64
INSTRUCTION NO. 1	64
INSTRUCTION NO. 2.....	64
INSTRUCTION NO. 3.....	65
INSTRUCTION NO. 4.....	65
INSTRUCTION NO. 5.....	65
INSTRUCTION NO. 6.....	65
INSTRUCTION NO. 7	65
INSTRUCTION NO. 8.....	66
INSTRUCTION NO. 9.....	66
INSTRUCTION NO. 10	66
APPENDIX A: CASE UPDATES	68



ACKNOWLEDGEMENTS

The Law Related Education Program thanks Idaho's Mock Trial Case Committee, including Hon. Jessica Lorello, Lori Fleming, Kale Gans, and Andrew Wake for the countless hours they spent crafting a superb 2025 Idaho case, and Greg Dickison for reviewing the case.

DISCLAIMER

This case is a work of fiction. The names, characters, businesses, organizations, places, events, and incidents herein are (mostly) the product of the authors' very vivid imaginations.

VERSION CHANGES

VERSION 1.0

Version 1.0, dated October 1, 2025, does not include any changes.

FINAL VERSION

The final version of the case, dated January 20, 2026 includes the changes outlined in Appendix A.

STIPULATIONS

- 1) This case has been bifurcated. The financial amount for damages, if necessary, will be addressed in a subsequent trial.
- 2) The jurisdiction and venue for this case have been previously established and are proper.
- 3) All parties agreed to the jury instructions.
- 4) All exhibits included in the case materials are authentic and accurate representations of the items they depict, and the proper chain of custody with regard to the exhibits has been maintained. All parties must use the proper procedures for admitting exhibits into evidence, and all exhibits are subject to objection, except as to their authenticity.
- 5) All witnesses made the statements attributed to them in their own witness statements.



- 6) Any instances where a witness is referred to with gender specific language is inadvertent. All witnesses may be played by any student.
- 7) The dates of witness statements are not relevant and therefore not included. No challenges based on the dates of the witness statements will be entertained.
- 8) Witness statements were taken after the alleged incident but before trial. Each witness was given an opportunity to update or amend their statement before trial, and no changes were made.
- 9) The signatures and signature representations (items marked with /s/) on documents included in these case materials are authentic. No challenges based on the authenticity of signed documents will be considered.
- 10) In any instance where actual statutes differ from any law utilized in the mock trial case, teams must rely on the law as written in the case materials.
- 11) If a particular exhibit includes more than one page, all the pages are part of the same exhibit and teams may not try to exclude any information from the exhibit based on the exhibit occupying more than one page.
- 12) It is anticipated that the trial time will not permit use of all exhibits provided. Each party should select and use only those exhibits that best support and illustrate that party's theory of the case.
- 13) The term "cat walk" is used in the case materials. The correct term is "cat track". Since this terminology is not material to trying the case, for purposes of these materials the two terms can be used interchangeably and no objections will be considered regarding the terminology.
- 14) Exhibit 2 represents typical ski run difficulty standards. These standards are posted in several locations at Brogus Basin, including the Brogus Basin website, at lift ticket purchase locations, ski lodges, and at chairlift stations.



COMPLAINT

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO AND FOR THE COUNTY OF ADA**

SLOANE WILDER,)	
)	
)	
Plaintiff)	
)	Case No. IDMT2026
vs.)	
)	
BROGUS BASIN SKI RESORT, An Idaho)	COMPLAINT AND
Corporation)	DEMAND FOR JURY TRIAL
)	
Defendant)	

COMES NOW, Sloane Wilder (“Wilder”), by and through his/her counsel of record, Jem Trotter, and alleges and states as follows:

JURISDICTION AND VENUE

- 1) Wilder was injured on or about April 1, 2023, in Boise, Ada County, Idaho.
- 2) At all times relevant herein, Wilder was residing in Boise, Ada County, Idaho.
- 3) At all times relevant herein, Defendant Brogus Basin Mountain Resort (“Brogus”), was a corporation organized under the laws of the State of Idaho. Brogus’ principal place of business is Ada County, Idaho.
- 4) This Court has jurisdiction over this matter pursuant to Idaho Code § 1-705.
- 5) Venue is appropriate in this Court pursuant to Idaho Code § 5-404.
- 6) The amount in controversy exceeds \$10,000.00.

GENERAL ALLEGATIONS

- 7) Brogus solely owned and operated Brogus Basin Ski Resort in Ada County, Boise, Idaho, on or about April 1, 2023, the date of the incident subject to this cause of action (the “Incident”).

- 8) Wilder is an accomplished professional tennis player and a skilled athlete.
- 9) On the date of the Incident, Wilder bought a day pass to ski at Brogus.
- 10) On the date of the Incident, Wilder had been skiing for approximately three years.
- 11) On the date of the Incident, the first run Wilder skied down was Crusty's Couloir.
- 12) Wilder was severely injured due to the improper placement of snowmaking equipment and inadequate warning signs.
- 13) Wilder's injuries included a concussion, cracked ribs, a variety of deep bruises and lacerations, a dislocated shoulder, a concussion, ligament damage of the elbow, and a fractured wrist.
- 14) Wilder's injuries resulted in pain, suffering, economic loss, and diminished opportunity and status in the tennis profession.
- 15) Brogus had a duty to provide conspicuous, visible signage to warn of dangers, including signage related to snowmaking equipment.
- 16) Brogus had a duty to place snowmaking equipment in a manner to prevent injury to skiers.
- 17) Brogus breached the duties set forth above.
- 18) Wilder was injured as a result of Brogus' breach of the duties required of it by law.

COUNT I – NEGLIGENCE

- 19) Plaintiff Wilder realleges and incorporates by this reference all the allegations contained in the preceding paragraphs as if set forth in full.
- 20) Defendant Brogus owed Plaintiff Wilder the duties enumerated in Idaho Code § 6-1103.
- 21) Defendant Brogus breached its duties owed to Plaintiff Wilder by, inter alia, failing to place any and/or adequate warning signs regarding hazards on various ski runs, including the snowmaking equipment located on or near Crusty's Couloir.



- 22) As a direct result of Defendant Brogus' breach of its duties owed to Plaintiff Wilder, Plaintiff Wilder sustained physical injuries and related economic and non-economic losses.
- 23) Defendant Brogus' acts or omissions were reckless and willful and constituted a gross deviation from reasonable standards of conduct.
- 24) Defendant Brogus' breach of its duties resulted in damages to Plaintiff Wilder, including economic damages, non-economic damages, pain and suffering, and loss of opportunity and status in Plaintiff Wilder's professional tennis career.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable and makes such demand in accordance with the Idaho Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment against Defendant as follows:

- 1) Damages for economic and non-economic losses;
- 2) Attorney fees and costs as provided for by Idaho Law; and
- 3) For such other relief as this Court deems just and equitable.

Presented in open Court this 5th day of August, 2024.

Jem Trotter

Jem Trotter
Attorney for Plaintiff



ANSWER

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO AND FOR THE COUNTY OF ADA**

SLOANE WILDER,)	
)	
)	
Plaintiff)	
)	Case No. IDMT2026
vs.)	
)	
BROGUS BASIN SKI RESORT, An Idaho)	ANSWER
Corporation)	
)	
<u>Defendant</u>)	

COMES NOW, Brogus Basin Ski Resort, an Idaho Corporation (“Defendant”), by and through its counsel of record, Bronwyn James, and answers Sloane Wilder’s (“Plaintiff”) Complaint and Demand for Jury Trial (“Complaint”) as follows:

I.

Defendant denies each and every allegation of the Complaint not herein expressly and specifically admitted.

II.

With respect to the allegations contained in Paragraphs 1, 3, 4, 5, 7, 9, 15, 16, and 20 of Plaintiff’s Complaint, Defendant admits the same.

III.

With respect to the allegations contained in Paragraphs 12, 17, 18, 21, 22, 23, and of Plaintiff’s Complaint, Defendant denies the same.

IV.

With respect to the allegations contained in Paragraphs 2, 6, 8, 10, 11, 13, and 14 of Plaintiff's Complaint, Defendant states it is without sufficient information to form a belief about the truth of the allegations to allow it to admit or deny the allegations.

V.

With respect to the allegations contained in Paragraph 19 of Plaintiff's Complaint, the allegations are denied as calling for a legal conclusion to which no response is required and Defendant, therefore, denies the same.

AFFIRMATIVE DEFENSES

- 1) Plaintiff assumed the responsibilities and liabilities set forth in Idaho Code § 6-1106.
- 2) Plaintiff signed a waiver acknowledging and assuming any and all obvious or foreseeable risk associated with skiing at Brogus Basin Ski Resort.
- 3) Plaintiff knew or should have known about the difficulty of skiing on Crusty's Couloir, which is clearly designated as a Black Diamond run.
- 4) Plaintiff knew or should have known that s/he did not have the skills or ability to ski on a Black Diamond ski run such as Crusty's Couloir.
- 5) Plaintiff was aware of the conditions of the course and assumed the risk of injury.
- 6) Plaintiff voluntarily placed him/herself in a position of risk, assuming all risk, which is a complete bar to recovery.
- 7) Plaintiff was aware of and voluntarily assumed the risk of the activity by knowingly and voluntarily signing a waiver, which is a complete bar to Plaintiff's recovery.

JURY DEMAND

Defendant demands a trial by jury on all issues so triable and makes such demand in accordance with the Idaho Rules of Civil Procedure.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays that Plaintiff take nothing by her Complaint, that the same be dismissed, and that Defendant be awarded its costs of suit and attorney fees, including, but not limited to, fees pursuant to Idaho Code or The Idaho Rules of Civil Procedure and such other and further relief as the Court deems just.

DATED this 26th day of August, 2024.

Bronwyn James

Bronwyn James

Attorney for Defendant

PLAINTIFF WITNESSES

SLOANE WILDER: PLAINTIFF

1 I'm not sure why I need to say who I am. You already know. But sure. For the record. I'm
2 Sloane Wilder. I've played on the professional tennis circuit since I was 19 years old and now, 12
3 years later, I have the experience and the reputation as a fierce competitor born of two worlds
4 with dual citizenship in the United States and Australia.

5 Growing up, I lived with my father during the school year. Dad was a former semi-pro
6 boxer who encouraged me to play tennis on the gritty urban courts in Chicago. He instilled in
7 me a powerful sense of discipline and resilience that I carry with me to this day. My summer
8 life couldn't have been more different, spent at the sun-drenched, posh training grounds of
9 Melbourne, Australia with my mother, a sports psychologist, who taught me to weaponize my
10 laser focus and mental toughness.

11 I am known as an aggressive left-handed baseliner with a deadly forehand and relentless
12 court coverage. And yes, I'm aware that I have a reputation as a bit of an unruly player who
13 operates on instinct and has a fiery temper. But, come on. If the refs did their job, I wouldn't
14 have any need to lose my temper. I've never been one to play it safe or fade into the
15 background. I blazed onto the junior circuit at 12, going full throttle regardless of the
16 consequences, blasting opponents and never backing down from older, more experienced
17 players.

18 Like I said, I have been on the professional tennis circuit since I was 19. Tennis has been my
19 life. I got my GED when I was 16 and even though I was accepted to Stanford I, like a lot of
20 well-known tennis players, decided to forgo any further education. I have never regretted that
21 choice. I am in good company with a lot of other smart, successful people who didn't go to
22 college.

23 Now, here I am at 31, more towards the end of my tennis career than at the beginning. But I
24 still have a good five years left of playing and earning good money from my tennis career,
25 especially with one Grand Slam win at the Australian Open and two other semifinal finishes on

my record. And I'm still a big draw for crowds with my all or nothing playing style. My fans love my authenticity and admire me for refusing to play nice, regardless of what the tennis authorities or sponsors expect of me.

I guess I should say, I had a good five years left in my career. But all of that is up in the air right now thanks to the incompetence of the people in charge at Brogus Basin Ski Resort. What happened to me is really the last straw and it's time for Brogus to pay up.

Because I am fully aware that I won't be able to play professional tennis forever, I knew it was prudent to start thinking about what I wanted to do when I retired from the game. I knew I wanted to invest in something that could support athletes but be open to everyone. A mutual friend introduced me to Alva Snorkelsson and together we formed Alpine Ventures with the idea of investing capital into failing ski resorts. There is no one better than Alva to partner with. S/he is literal skiing royalty and has the experience and education to make a difference in the US ski world. That's why I partnered with him/her. And that's why I asked him/her to serve as an investigator and witness for this case. When you are looking for justice you find the best people to assist you in getting that justice. For this case, that's Alva Snorkelsson.

This was never more apparent than when Alva and I began looking for a new project and after having our people do some market research we came across Brogus Basin. Brogus was really the perfect place to invest our money. The resort was floundering under out of touch owners, mounting debt, and shoddy business practices. I saw the potential to turn around what was essentially a run-down trailer park posing as a ski resort. Alva and I have a vision for a sleek, elite training and performance center for athletes of all sports during the off-season months and a lovely boutique escape in the winter. We even built into our strategic plan the idea of adding live music, pop-up food experiences and other curated events that celebrate excellence in sports and business. I mean, make it rain people. This will bring in so much money to the community.

Frankly, this project has always seemed like a win/win to me, and I have been shocked at some of the pushback we have gotten from the current Brogus management team and board. I

53 | was offering to use my wealth and fame as an athlete to turn around a flailing operation that
54 | was on the verge of bankruptcy. And you don't have to take my word for this. The resort's
55 | auditors came to the same conclusion. The auditors told them that, in addition to their dicey
56 | financial situation, Brogus needed to invest in better maintenance and oversight of their
57 | equipment, including snowmaking equipment.

58 | And here we were offering the resort a new lease on life. Alpine Ventures brings more than
59 | just capital. We contribute branding power, strategic insight, and authentic connection to the
60 | world of athletics and beyond. For me, this project is driven by a genuine love for sport and
61 | lifestyle, making me deeply invested in the resort's success and quality. Certainly more invested
62 | than the current leadership team.

63 | The current team, led by Rudy Carnap, seems to have this philosophy that all change is bad,
64 | and they are fiercely protective of leaving things just as they are, even at the cost of destroying
65 | what they claim to love. I think that's why it should come as no surprise to anyone what
66 | happened to me. The current Brogus modus operandi is an amateur hour run by people like
67 | Carnap who don't have the capability or expertise to run a ski resort as it should be run. It was
68 | only a matter of time before someone was injured like I was. And the way the Brogus
69 | management team has responded to the potential career ending injuries that were caused by
70 | them proves it's time for them to step aside and let the right people take over.

71 | If the Brogus management team spent as much time ensuring the safety and efficiency of
72 | their resort as they have running a ridiculous media campaign to paint me and my partners as
73 | the big, bad, scary outsiders trying to gentrify their community, there's a good chance none of
74 | this would have happened. I mean for the love of Mike, they even had protestors show up at
75 | one of my tennis matches holding signs that said, "Snow Belongs to Everyone." Apparently,
76 | their supporters are relatives of Captain Obvious.

77 | I know what I'm saying seems off topic, but I believe it provides important background
78 | information that plays into what happened to me on April 1 and the aftermath.

79 I'll start by saying that I am not a lifelong skier. Since I was a kid, my life has really been all
80 tennis all the time. I didn't really have room for other sports. But when I connected with Alva,
81 s/he said that if I wanted to invest in a ski resort, I should really consider participating in the
82 sport. So, I picked up skiing 3 years ago when I was starting to explore investment options.
83 When in Rome and all that. Because I am so naturally athletic, I quickly took to the sport. After
84 a few short years, I would consider myself a solid intermediate skier, with the skills and
85 readiness to try more challenging runs like Crusty's Couloir, where my accident happened. I
86 mean, how else are you going to get better in any sport if you never try to reach the next level?

87 On the day of the accident, I did all the things a skier needs to do to be safe. I was wearing
88 all new equipment, the best that money can buy, including high-end skis, properly fitted boots,
89 and I was wearing a helmet. I also had good sunglasses to take care of the glare from the snow
90 on a very sunny day. I will say that I wasn't wearing wrist guards or elbow pads but those are
91 considered optional equipment, and I didn't think I would need them.

92 April 1 was the kind of day skiers dream of. There had been a significant storm over the
93 previous three days that dumped over 10 inches of snow at Brogus. But it was a gorgeous sunny
94 day with blue skies as far as the eye could see. I was so excited to get out there and enjoy the
95 day and try out a more challenging run for the first time. After 3 years of skiing, I knew I was
96 ready. I wouldn't have skied on a run like Crusty's Couloir if it was more than I could handle. I
97 am a professional athlete, and I know what my body can handle. And that's what I said to that
98 Jordan person who was on the lift with me.

99 Odd duck that one. Just really socially awkward. It was no surprise when s/he told me s/he
100 was a data geek. But I get the awkwardness. It happens to me all the time. Regular people tend
101 to get a little twitterpated around famous people. I was mostly just trying to make polite small
102 talk with Jordan, but s/he was really focused on critiquing my equipment – are the skis and
103 binding tuned properly? Are those the right sunglasses? You don't have any goggles? Stuff like
104 that. I worked with experts on all my equipment, thanks very much. I don't need a data analyst
105 to tell me about proper skiing. I have people for that.

106 The accident happened on my first run of the day. I felt a little nervous, given I was trying a
 107 new level of difficulty, but I felt fully in control, skiing at a moderate but safe speed, moving
 108 into a snowplow when I needed to slow myself down as I was taught. A little more than
 109 halfway down Crusty's Couloir there is a grove of trees, so you lose some visibility of what's
 110 below. I will say that I saw no visible warning sign that there was a snowmaking machine on
 111 the horizon. So, suddenly without warning as I came out of the trees, there was a snowmaking
 112 machine, too far out in the middle of the run and completely unavoidable by the time I could
 113 see it. I did my level best to turn away from the machine and correct course, but it was too late.

114 Despite trying to correct my trajectory, my momentum carried me directly into the side of
 115 the snowmaking machine. The impact was loud and jarring. I hit the machine on the left side of
 116 my body. As I wrenched forward, my helmet fell off and I hit my head. I collapsed to the
 117 ground in a heap and briefly lost consciousness.

118 When I woke up, I felt disoriented, and I could feel it everywhere. I looked and felt like I'd
 119 gone 12 rounds in a prize fight and lost on points. It took the ski patrol about 15 minutes to get
 120 to me but when they did, they transported me to the medical hut on the rescue sled for
 121 evaluation.

122 What type of injuries did I have? It might be quicker to say what injuries I didn't have. I had
 123 a mild concussion. I had cracked ribs. I had deep bruises and lacerations all over my face and
 124 body. My left shoulder was dislocated. There was ligament damage to my elbow. I had a
 125 fractured wrist. Like I said, I had serious and significant injuries to most parts of my body. And
 126 yet, even with the level of trauma I was facing, I had to fight to try to convince the resort to Life
 127 Flight me to the nearest hospital. They seemed to think I could take a leisurely 20-mile drive to
 128 get the appropriate medical assistance. The ski patrol person I spoke with told me that they
 129 weren't supposed to spend money on things like Life Flight unless it was absolutely necessary.

130 The incompetence of Brogus Basin has had a significant impact on my tennis career. Most
 131 obviously, I had to take time off the circuit to heal but it goes much deeper than that. But even
 132 after months of rehabilitation, my play has been affected. I've lost power and control over my

133 shot. I've lost status and ranking. I've lost endorsement deals because of my reduced visibility
134 on the circuit. I had to play less and withdraw from tournaments, which has impacted my long-
135 term earning potential. And of course, all of this has led to some mental health issues. Brogus
136 Basin has taken away a chunk of my tennis career and there's no guarantee I can get that career
137 back to the level it was before. And all of this was completely avoidable.

138 As I mentioned before, there was no visible signage near the snowmaking machine to warn
139 skiers that the machine was below. And even if there had been signage, the machine was too far
140 out into the ski run instead of at the edge of the run where it should have been. Brogus didn't
141 cordon off the machine to lessen the impact of any accident. And then finally, what real reason
142 was there for the machine to even be active? Nature had provided more than enough snow for
143 skiing.

144 Brogus Basin, as the resort owner, had an obligation to create a safe environment for skiers.
145 The presence of the snowmaking machine created an unnecessarily dangerous condition not
146 just for me but for any skier on that run. Let me be clear. I'm not backing down from holding
147 Brogus accountable for what they did to me. If I backed off every time someone got
148 uncomfortable with how I win I wouldn't be where I am. The irony is if Brogus had taken the
149 offer from Alpine Ventures, we probably wouldn't be in this situation. One way or another,
150 Brogus needs to pay up. Alva and I will make sure of it.

BRUSSELL MCKAY: FORMER BROGUS BASIN EMPLOYEE

1 My name is Brussell Stanfield McKay. Some people call me “Sprout” – as in Brussel Sprout,
2 except, unlike the vegetable in question, my name is a double “l” at the end. I wish they would
3 not. I thought I got beyond silly nicknames once I was out of middle school, but people can’t
4 seem to resist childhood nonsense. I have been told to “lighten up” and “get a sense of humor.”
5 I have plenty of light and plenty of humor. I also have plenty of maturity. These things are not
6 mutually exclusive. I just appreciate being called by my actual name—it’s Brussell. Or, Ms./Mr.
7 McKay depending on the circumstances.

8 Now that we’ve cleared that up, I can tell you a little about myself. I was born and raised in
9 Idaho. I come from a big family, but I am the oldest child. So, I learned from a young age how to
10 keep order and how to manage a variety of personalities. I also participated in a lot of group
11 activities growing up – from sports to theater to choir to mock trial. I don’t mind telling you that
12 I was very good at all of them, which made it hard to choose among them. I will say my time
13 with mock trial is why my witness statement is so good. But, aside from that, my favorite
14 activity was downhill skiing.

15 I was on the school’s ski team. It was a small team (three students) and the team wasn’t very
16 good. But, I was good (and still am). I was the team captain. If our team was better, I am sure I
17 would have been able to compete at a higher level – maybe even the Olympics. But, small teams
18 just don’t get “seen” by scouts. Especially small teams from small Idaho towns. I bet I know
19 what you’re thinking: “What about Picabo Street? She was born in a small Idaho town and
20 became an Olympian.” All true. I am just saying it’s hard to do.

21 Anyway, even though I never got to a professional competitive level with skiing, I still love
22 the sport and decided I wanted to work in the industry. That’s how I ended up at Brogus Basin
23 Ski Resort (although “Resort” is a generous description of what it is). I first applied for an
24 opening on the Ski Patrol Team but didn’t get that job. But, I knew if I got my foot in the door, I
25 would get on the Patrol Team eventually. So, I took a position in the lodge. I had a supervisory
26 role in the kitchen – arguably the most important area of the lodge because I am pretty sure

27 everyone who comes to the hill gets something to eat or drink at some point during the day.
 28 Anyway, my staff included the employees who washed dishes and bussed tables. I was also
 29 asked to help out on occasion in the rental shop and running the lifts. One of the best things
 30 about the job was the ability to ski for free – and get to know the Ski Patrol Team members.

31 The worst thing about the job was the new general manager – Rudolf Carnap. The last name
 32 is apropos of what Carnap did best...nap in their car throughout the day. Anyway, because
 33 Carnap was new to town, I did my best to help them out with learning the Brogus way.
 34 Anytime I saw an issue that needed fixed, and there were plenty of issues given how poorly run
 35 Brogus is under Carnap, I wrote it down on a sticky note and put it in a conspicuous place
 36 wherever the issue existed. Broken fryer in the kitchen – sticky note. Bathroom that needed
 37 attention – sticky note. An employee not clocking out until after they hit the slopes following
 38 their shift – sticky note. For personnel matters like that, I put the sticky note on Carnap's
 39 computer monitor because I didn't want to embarrass the offending employee in front of others.
 40 Maybe my notes for those sorts of offenses should have been on the dashboard in Carnap's car
 41 where Carnap would be more likely to see them after a nap. Most importantly for this case, I left
 42 Carnap several sticky notes reporting safety issues around the lodge and on the hills. Did I have
 43 regular meetings with Carnap? No. But that doesn't mean I didn't do my part to make him/her
 44 aware of my concerns whenever possible. And Carnap knew where to find me if they wanted
 45 more information. How do I know that? Because Carnap confronted me not long after they first
 46 started at Brogus about some of the notes I left around the lodge. Carnap told me I was "skiing
 47 outside my lane" in terms of management – they said: "Your job is in the kitchen, Sprout.
 48 Period. Full stop." I informed Carnap that I knew more than they did about Brogus, and they
 49 could learn a thing or two from me that would help. I even told Carnap I could be the assistant
 50 manager and Ski Patrol Team Captain and, together, we could turn Brogus into the best resort
 51 in Idaho, if not the Northwest. Carnap said they didn't need my help because they grew up in
 52 Colorado – "ski country" according to Carnap. Whatever. I decided to bite my tongue and focus
 53 on the future – a position on the Ski Patrol Team. I mean, if Casey Kowalski can get on the Ski
 54 Patrol Team, anyone can. All it takes is five minutes in conversation with Casey Kowalski to

quickly figure out that's the Brogus employee who deserves a schoolyard nickname. Might I suggest "Clown Kowalski." If Carnap had the ability to recognize what qualities a member of the Ski Patrol Team should have, Brogus would not be in this situation. Kowalski obviously spends more time "shredding the gnar," than monitoring safety concerns and reporting safety violations. I, of course, included some suggestions about Kowalski on one of the sticky notes for Carnap. It is obvious Carnap agreed with me because, not long after I left the note, Carnap made Kowalski cease some of their childish behavior, like making graham cracker, marshmallow, chocolate sandwich cookies on the main power generator.

I tried my level best to connect with Casey, knowing that s/he and I would likely be colleagues when I joined the Ski Patrol Team, but it became clear very quickly that Casey was not able to engage in civilized discourse. What kind of person can't carry on a conversation about British culture? Or knows nothing about chess or cheese making? Uncultured philistine! Like I said, Kowalski is a clown – ski resorts are serious business, not daycare camps. But, I digress.

I was sure my rightful place on the Ski Patrol Team was finally going to happen when I helped with a rescue effort one Saturday morning. I was working in the kitchen getting ready for the lunch rush when I heard a call over the radio that there was an incident on the Sheep Shaker beginner hill. Since the hill was close to the lodge, and one of the Ski Patrol Team members had called in sick that day, I got on my gear and rushed over to help. Turned out some kid got his glove stuck in the handle on the tow rope and couldn't get free before he got to the chain mechanism at the top of the hill. Ultimately the kid was fine – just needed a new pair of gloves. But, the kid was upset so I took him to the lodge and gave him a free cup of hot chocolate. Ever heard the saying, "no good deed goes unpunished?" Well, guess what? That good deed was punished! Carnap found out and put a reprimand in "my file" – whatever that is. I admitted I knew I wasn't supposed to leave the lodge while I was on duty there, but it didn't seem to matter to Carnap that helping with a critical incident on Sheep Shaker should be an exception to that rule. The worst part was that was my second reprimand and, according to

82 Brogus's bootleg personnel manual, a third reprimand would result in immediate termination.
83 Even so, I wasn't worried. I will always do what's right, even if there are consequences.

84 I brushed off the Sheep Shaker incident and kept doing what I do best: making sure things
85 are orderly, safe, and that other employees are doing their job. And, because my eye was on the
86 Ski Patrol Team prize, I started doing some extra surveillance on the ski runs – on my own time
87 after I clocked out, of course. For example, on a few occasions, I took one of my journals to some
88 of our more popular runs to record activity, like the level of ski traffic, and any other
89 observations I thought were worth noting. These extra efforts were going to be the proof I
90 needed to show Carnap they needed to listen to me and promote me.

91 On one of my surveillance missions, I noticed some tree branches had heavy snow piled on
92 them, obstructing one of the warning signs on the slope. I have no idea why the guys whose job
93 it was to clear the runs before the lifts opened didn't do it, but I took care of it. I recorded it in
94 my journal and left Carnap a sticky note letting him know how I helped. Did Carnap thank me?
95 Nope. Not a word.

96 On another surveillance mission, I saw the employee who was supposed to be making sure
97 customers got off the lift safely playing some game on his phone. Some poor newbie skier
98 tumbled off the lift and got a mouthful of snow. I scolded the lift worker – who told me to choke
99 on a snowball – and helped the newbie get up and headed in the right direction. I even followed
100 the newbie down the hill to make sure there were no other issues. Sticky note written, delivered,
101 and ignored.

102 The last surveillance mission was on Crusty's Couloir on the day of the accident. That's
103 where Brogus has a snowmaking machine in question is. It was about 9:15 AM. I know it was
104 9:15 because I was due to start my management shift at 9:30 AM and I realized I was going to be
105 late. Was the machine visible? Yes. Did it impede on the run a little? Also yes. That's the
106 problem. There is a warning sign in front of it, but only one and it was way too close to the
107 machine. I saw that the sign was knocked over so I picked it up and put it back in place. Did I
108 sticky note that contribution? Of course. I also included a suggestion on the note that it would

be better if there was additional signage around the snowmaking machine and maybe even putting up some of that yellow tape like they use at murder scenes around the machine.

After finishing that note there wasn't time to place it on Carnap's computer monitor because I had to hurry to the kitchen to start my paying job. I was about 20 minutes late because my surveillance mission had taken a little longer than I planned – largely because I didn't expect to do the repair work by the snow machine. Normally it wouldn't be that big of a deal to be only 20 minutes late, but we were short-staffed that day and Carnap was hosting a brunch for some important community leaders interested in preserving Brogus' independence and local culture.

So, I was rushing around trying to get things in order to start serving that group. Carnap was pacing around the kitchen like a caged animal waiting for me to get the egg course ready. I hurried to load the plates on the serving tray but slipped on a puddle of water someone left on the floor. The plates crashed to the ground and eggs spilled everywhere, including on Carnap. That was reprimand number three – didn't even make it to "my file." Carnap fired me on the spot – they screamed: "You're done! Third strike and you're out! Take your stupid sticky notes and get out. NOW!" As I was leaving, I made sure to tell Carnap about the signage issue on Crusty's Couloir so s/he could send someone there to doublecheck that it was safe.

And it's a good thing I said something because as I was packing up my things to leave I heard a call over the radio that there was an accident on Crusty's Couloir. Sounded like a skier collided with the snowmaking machine positioned on that run. If Carnap had acknowledged my efforts to contribute to the safety and success of the mountain, my guess is s/he could have taken steps to remediate the concern I noted. Because I always do the right thing even when it is not appreciated.

Even though I had been fired, I immediately went to speak with Carnap about what I heard over the radio. I was sure s/he was unaware because s/he was preoccupied with his/her community leader pals. I should not have been surprised that Carnap rebuffed me. Again. Carnap was talking to the mayor when I approached and politely said, "Excuse me. I am sorry to interrupt, but there has been an accident on Crusty's Couloir. Would you like me to go

investigate before I leave?" Carnap gave me an icy stare and told me: "Your shift is over. Your time here is done. Leave the professional work to the professionals." Carnap obviously cares about appearances more than customers. The mayor looked impressed though. I plan to apply for a position in her office as soon as one becomes available. When this story hits the news, and I will make sure it does, the mayor will undoubtedly remember my concern.

Frankly, leaving Brogus was probably the best thing that happened to me – at least Brogus under the Carnap regime. I was tired of being under-appreciated. I tried to help Carnap, but some people think they know everything. I don't think Carnap even read my notes – when I put the last one in his/her office, I saw several others crumpled up in the garbage can. I bet Carnap regrets not listening to me now, especially since I have evidence. As I noted, I know how to make a record. I managed to collect a couple of the sticky notes I found in Carnap's garbage can. I also collected a couple of sticky notes I found collecting dust on Carnap's desk. For the record, the blue checkmark on the sticky note that includes a toaster request was not made by me. I am guessing Carnap did that because a new toaster arrived shortly after I left the note.

But, what that tells me is Carnap saw my notes. I dare Carnap to claim I never warned them. The sticky notes tell a different story – the true story.

ALVA SNORKELSSON: MANAGING PARTNER, ALPINE VENTURES

1 Good afternoon. My name is Alva Björn Snorkelsson, and I am 34 years old. I currently
2 maintain residences in Aspen, Colorado; Gstaad, Switzerland; and a pied-à-terre in Manhattan. I
3 operate the Snorkelsson Nordic/Alpine Racing Renaissance Konservatory (“SNARRK”), an
4 exclusive, world-class ski instruction facility that caters to Fortune 500 executives, European
5 royalty, and discerning athletes who demand nothing less than perfection on the slopes.

6 I am a former Olympic alpine ski racer, having competed for the United States in the 2014
7 Sochi Olympics where I achieved a respectable 7th place finish in the Giant Slalom—a
8 performance that, while not resulting in a podium finish, demonstrated the technical precision
9 and tactical superiority that has defined my approach to all endeavors. I retired from
10 competitive skiing in 2016, though not due to injury as some have suggested, but rather to
11 pursue more lucrative opportunities in the business world.

12 Following my transition from athletics, I completed my MBA at Wharton (with distinction,
13 naturally) and currently serve as Managing Partner at Alpine Ventures LLC, a sophisticated
14 private-equity firm that identifies undervalued winter sports assets and transforms them into
15 world-class destinations.

16 Alpine Ventures was where I met Sloane Wilder—another partner in the firm. I connected
17 with Sloane immediately. We were both athletes and old souls. We were both incredibly stylish
18 and wore sunglasses indoors. We both had strong wills and weak elbows. And we both were
19 passionate about winning at the game of flipping ski properties. Our portfolio includes
20 properties in Verbier, Courchevel, and several emerging markets in Eastern Europe where we
21 have successfully elevated previously... rustic... establishments up to international standards.

22 We have also transformed several dilapidated, pathetically run-down ski hills in Idaho into
23 world-class, ski-adjacent luxury lifestyle destinations. Like where, you ask? Well, “Spud’s
24 Corner” was transformed into “Spamarack Luxury Villas,” the elite destination for the world’s
25 wealthiest powder-chasers. “Grumbage Mountain” became “Le Fait Accompli LUX VILLAS,”
26 the premiere alpine wellness spa and luxury apartments, unparalleled in the Pacific Northwest.

27 And “Big Gumbo’s Little Ski Scrub & Grub & Chug” — which was even more hideous than it
28 sounds — was completely destroyed, rehabilitated and revitalized. Now it is simply known as a
29 single letter — the letter “S” — which features the world’s only Zen-roshi approved energy-
30 healing bath and spa complex within a 5-star hotel, featuring nightly European DJ
31 performances and Michelin-star omakase sushi course, within 100 yards of a chairlift. I can tell
32 you’re impressed just hearing about it, no?

33 You might be surprised to hear I was born in Sun Valley, Idaho — my mother, a duchess from
34 the Kingdom of Monaco, was swept off her skis by my father, a dashing and ruggedly
35 handsome local ski instructor. But my family left the United States when I was just a baby and
36 my formative years, especially my skiing experiences, were spent primarily in the European
37 Alps, where my family maintained a chalet in Zermatt. This exposure to proper ski resort
38 management and European attention to detail has given me a unique perspective on what
39 American ski areas — like Brogus Basin — lack.

40 I first encountered Brogus Basin in 2003 during what I can only describe as a regrettable
41 detour to compete in some provincial Junior Olympic competition. Even at fourteen, I possessed
42 the refined eye to recognize that while the mountain’s natural terrain showed promise, the
43 management’s approach was... how do Americans say... slacking off? The infrastructure was
44 shabby, the grooming inconsistent, and the overall presentation lacked the sophistication one
45 expects from a serious skiing establishment.

46 About Casey Kowalski’s claim that I cheated in a junior competition. First of all, are we
47 really still discussing something that happened decades ago? Secondly, this is really not some
48 big conspiracy nor was it any nefarious plot to cheat Casey out of anything. The aftermarket
49 binding plates that were on my skis are legal in European racing, which was where I had been
50 racing before the Junior Olympics. I had simply forgotten to change them out. Once it was
51 brought to my coach’s attention, she and I were more than happy to turn the medal over to
52 Casey. Fair is fair and I’m nothing if not fair. And the claim that this hurt Casey’s chances of
53 going to college? No. No matter how good Casey is at skiing, s/he is not college material. I

mean, have you met the wo/man? S/he has the IQ of a Swedish meatball that's been left out too long at IKEA.

Anyway. Back to Brogus. It pains me to witness such squandered potential, which is precisely why Alpine Ventures has graciously offered to rescue Brogus Basin from its current mediocrity and transform it into something worthy of the magnificent terrain nature has provided.

Having skied at over 200 resorts across six continents, including exclusive heli-skiing operations in Kamchatka and private glacial runs in Patagonia, I possess what one might call an encyclopedic knowledge of proper resort operations. My clientele—which includes three sitting European ministers, numerous tech billionaires, and two high-ups in the Vatican—entrust me with their safety precisely because I understand the difference between acceptable risk and negligent endangerment.

Based on my extensive expertise and unfortunate familiarity with Brogus Basin's primitive operations, I can state with absolute certainty that the resort demonstrated shocking negligence in several areas. I've added more details to the report I created for this case, but let me summarize here how Brogus Basin failed to meet known and documented safety standards and protocols.

Let's start with terrain design. The placement of snowmaking equipment on Crusty's Couloir represents exactly the sort of amateur-hour mistake that would never occur at a properly managed European resort. At Courchevel, for instance, such obstacles are either positioned with mathematical precision to avoid skier traffic patterns, or they are enclosed within aesthetically pleasing safety barriers that actually enhance the mountain's visual appeal. The ham-fisted approach at Brogus—simply plopping industrial equipment wherever convenient—demonstrates a fundamental misunderstanding of both safety and design principles.

Secondly there are pedestrian signage standards. The crude signs at Brogus—"LIKE, EXPERTS ONLY, DUDE"—would be laughable if they weren't so dangerous. Compare this to

the elegant, multilingual safety notifications at St. Moritz, which provide detailed hazard descriptions, weather conditions, and even QR codes linking to real-time safety updates. Brogus Basin's approach to risk communication is approximately thirty years behind international best practices.

Additionally, there were systemic institutional failures at Brogus Basin. During my investigation for this case, I observed numerous violations of what any competent resort management would consider basic safety protocols. The snowmaking gun in question lacks the proximity sensors standard at European resorts, has no automated shutdown capability, and—most egregiously—isn't even equipped with the reflective coating that would make it visible in variable light conditions. Brogus' snowmaking machines are ancient and out of date. They should have been replaced long ago.

I fully expect the defense to engage in the sort of ad hominem attacks that Americans seem to favor when they cannot address substantive arguments. They will undoubtedly suggest that Alpine Ventures' interest in acquiring Brogus Basin somehow compromises my objectivity. This accusation reveals a fundamental misunderstanding of both professional ethics and business strategy. This is especially true considering they have chosen Casey Kowalski as one of their witnesses.

My expert witness compensation is structured as a fixed consulting fee based solely on my time and credentials—a standard arrangement that anyone familiar with proper business practices would understand. Second, and more importantly, Alpine Ventures would actually prefer to acquire Brogus Basin without the complications that a negligence finding might create. However, our commitment to industry excellence means we cannot remain silent when we observe safety standards that would be considered scandalous in any civilized skiing nation.

I have provided expert testimony in ski accident cases across three countries, and in several instances, my analysis has favored resort defendants—including a case in Chamonix where I testified that an injured skier had ignored clearly posted warnings. My reputation in

international skiing circles depends entirely on my commitment to objective analysis, not on advancing any particular financial agenda.

What truly motivates my testimony is not financial gain, but rather professional obligation to advocate for excellence in the skiing community. Having been privileged to experience the world's finest ski destinations, I cannot in good conscience remain silent when I observe the sort of corner-cutting that gives American ski resorts their regrettable reputation abroad.

Sloane's accident here was entirely preventable—not through some mystical application of "personal responsibility," but through the implementation of basic safety measures that are considered standard practice at any serious skiing establishment. Brogus Basin's management chose the path of least effort and maximum profit margins, and a talented individual suffered permanent consequences as a result.

This case represents more than a simple negligence claim—it is an opportunity to elevate American skiing standards to meet international expectations. Brogus Basin's primitive approach to safety and operations is precisely why European skiers often view American resorts as quaint but ultimately third-rate destinations.

With proper management and investment—the sort that Alpine Ventures specializes in providing—Brogus Basin could become a destination worthy of its remarkable natural terrain. Until then, accidents like Sloane's will continue to occur, and the American skiing community will continue to lag behind global standards of excellence and safety. The best resorts know that responsibility is a two-way street. Yes. Of course. The skier assumes some risk for participating in the sport. But the resort, in this case Brogus Basin, also has a responsibility to follow known standards and protocols to minimize those risks and create a safe and fun experience for all skiers. In this case, Brogus Basin was negligent in living up to their part in that equation.

DEFENSE WITNESSES

RUDY CARNAP: GENERAL MANAGER, BROGUS BASIN

1 My name is Rudy Carnap, and I'm the General Manager of Brogus Basin Ski Resort. I've
2 held this position for just under a year, having started in May 2022. Before that, I spent nearly
3 ten years at Clearwater Ridge ski resort in Colorado, working my way up from ski instructor to
4 Assistant Director of Guest Relations. I have a degree in Recreation Management from Colorado
5 State University, and that decade of experience taught me everything from crisis management
6 to insurance liability to the delicate balance between guest safety and operational efficiency.

7 Coming to Brogus was my first top leadership role. It's a local institution with 45,000 skier
8 visits per season—much smaller than Clearwater Ridge's 200,000+, but that intimacy drew me
9 here. The job encompasses overseeing 85 seasonal employees, managing relationships with our
10 board and the U.S. Forest Service, handling guest relations, ensuring safety compliance, and
11 dealing with constant financial pressures. Unlike larger resorts with specialized departments, I
12 wear multiple hats—sometimes reviewing insurance policies in the morning and helping
13 unclog toilets in the afternoon. Last Tuesday alone, I played HR director, maintenance crew,
14 customer service rep, and temporary lift operator when our regular person called in sick with
15 what they claimed was “acute chairlift anxiety.”

16 Let me be clear: I feel very badly about what happened to Sloane Wilder on April 1, 2023.
17 Any injury on our mountain matters. That said, caring about someone's injury doesn't mean we
18 were at fault—we weren't.

19 Since taking over, I've strengthened safety protocols while maintaining efficient operations.
20 Our ski patrol conducts thorough daily inspections of every run before opening—physical runs
21 down each slope checking visibility, signage, ice patches, and equipment placement. Everything
22 gets logged. If something's off, it's corrected before chairs start spinning.

23 Snow machines are integral to safety. Each is positioned intentionally, marked with warning
24 signs. The machines are painted bright yellow to stand out. The one in this incident was no
25 exception—visible, marked, and positioned per industry standards. And it may be an older

26 machine; it still works exceptionally well. You don't always need the shiny new toy to operate
27 effectively.

28 Wilder's injury occurred on Crusty's Couloir—not a casual run. It's a black diamond: steep,
29 narrow, heavily treed, filled with natural terrain features requiring expert-level ability. To
30 access it, skiers ride the Summit Chair with repeated announcements that terrain ahead is
31 experts-only. At the top of the chairlift is signage that says: "WARNING: EXPERTS ONLY" and
32 "UNMARKED NATURAL HAZARDS AHEAD," plus detailed trail maps and specific warnings
33 about snowmaking equipment.

34 I don't understand what possessed Wilder to attempt that trail. During their "evaluation"
35 visits related to acquisition discussions, they were clearly not experienced. They looked
36 tentative and uncertain, making wide, cautious turns on intermediate runs, occasionally
37 reverting to snowplow technique—someone who'd been skiing maybe a season or two, not
38 ready for terrain that would challenge a mountain goat.

39 They had multiple exit opportunities via our clearly marked catwalk back to intermediate
40 terrain—we practically built an off-ramp to safety. But they ignored every escape route, like
41 ignoring highway exit signs and being surprised when you end up in the wrong state.

42 This accident occurred the day after a late-season storm dumping almost ten inches of fresh
43 powder. For experts, that's heaven. For someone without technical skills to handle variable
44 conditions, it's dangerous. Deep powder hides terrain features, throws off balance, tires you out
45 fast. April 1st conditions made Crusty's Couloir even more treacherous for anyone lacking
46 expert-level ability.

47 The snowmaking machine they hit was stationed just off the main fall line—nothing
48 unusual or improper. We'd used it the previous week during a warm spell. Spring Idaho
49 weather is notoriously unpredictable—powder day followed by melt-freeze cycle twenty-four
50 hours later, then sunshine making you question if you're still in Idaho or mysteriously
51 transported to Florida. We don't drag 1,500-pound equipment down mountains every time
52 we're not using it—that requires a snow cat, crew, and military operation-level planning.

53 The machine was clearly visible and properly marked. April 1st was a bluebird day with
54 excellent visibility—sunny skies, minimal wind, and perfect lighting that would make
55 photographers weep with joy. The machine is a bright silver metal, with a shine that stands out.
56 If it could talk, it would say “Hey, I’m here, maybe don’t ski into me.” There’s also a warning
57 sign directly in front featuring the standard orange rectangle with exclamation point—
58 international symbol for “pay attention or bad things might happen.” Any controlled skier
59 would have easily seen and avoided it. It wasn’t camouflaged or playing hide-and-seek.

60 Sloane Wilder isn’t just some weekend warrior—they’re a principal in Alpine Ventures,
61 aggressively pursuing our buyout. Led by Alva Snorkelsson with Sloane Wilder as a partner
62 and major investor, they made their first offer in September 2022, valuing us below reasonable
63 market value. Their vision was troubling: transforming our community-focused, family
64 mountain into an “exclusive alpine lifestyle destination” with luxury accommodations,
65 members-only access, and pricing shutting out current clientele.

66 When declined, they made a second, more aggressive proposal in late January 2023 after
67 Brogus received the audit letter with suggestions for how we could improve operations, which
68 we have spent the last two seasons implementing. Their second offer included ultimatum-style
69 language. Again rejected, reaffirming our commitment to accessible, community-oriented
70 operations.

71 This lawsuit’s timing raises uncomfortable questions. I’m not suggesting Wilder
72 intentionally injured themselves, but I am suggesting that this accident and the lawsuit have
73 certainly happened at an opportune time for Alpine Ventures and Sloane Wilder. A successful
74 lawsuit could weaken us enough to make future takeover attempts viable. We’re not a giant
75 corporate resort with deep pockets—we’re locally-owned and modestly-funded. A major legal
76 judgment could force exactly the financial distress making Alpine Ventures’ next offer harder to
77 refuse.

78 Every guest purchasing lift tickets acknowledges our liability waiver stating skiing is
79 inherently risky, that guests assume those risks, and we’re not liable for injuries from ordinary

mountain hazards like trees, terrain, weather, or properly positioned equipment. The waiver specifically mentions “snowmaking equipment and related infrastructure.” When Sloane Wilder bought a lift ticket on April 1st, it included a mandatory checkbox stating the purchaser had read and acknowledged these terms. Beyond legal protection, this represents fundamental personal responsibility. Skiing, especially expert terrain, requires informed decisions about capabilities and accepting consequences.

This case feels like someone walking into a boxing gym, seeing a professional heavyweight, signing waivers acknowledging boxing’s dangers, ignoring staff advice that this opponent doesn’t pull punches, climbing in anyway, then suing when knocked out. It’s as logical as complaining that water is wet after jumping in a swimming pool. Without personal responsibility, we’d need to wrap mountains in bubble wrap and require safety helmets for walking on flat surfaces.

We didn’t fail our duty. We followed every safety procedure, provided every required warning, marked every hazard per industry standards, maintained and positioned equipment properly. Wilder ignored all safeguards.

I came to preserve something special—a community mountain where families can afford skiing, focusing on sport’s pure joy rather than luxury amenities, where people take responsibility for choices. I didn’t come for legal battles with wealthy investors viewing our mountain as just another business asset.

The mountain doesn’t care about net worth or acquisition plans. It only cares whether you’re skiing in control and within abilities. On April 1st, 2023, Sloane Wilder was doing neither.

Before we’re done, let me address what I think is the elephant in the room, our former employee, Brussell McKay, who some people unfortunately called “Sprout.” To be clear, though, I would never refer to McKay as that vegetable or any other. Brussell’s testimony perfectly exemplifies why they were terminated.

106 Brussell was hired in December 2022 as kitchen supervisor—managing dish and bussing
107 staff, maintaining food safety standards, and ensuring efficient meal service. Unfortunately, I
108 guess they viewed this as a steppingstone to becoming “assistant manager and Ski Patrol Team
109 Captain”—neither of which were open positions nor roles for which they were qualified.

110 From almost their first week, Brussell began what I can only describe as an unauthorized
111 inspection campaign—think quality control meets performance art. They placed sticky notes
112 everywhere. I’d find notes on my computer monitor, desk lamp, even my coffee mug. Bathroom
113 mirrors had notes with observations about paper towel dispensers. Lift operators found
114 critiques of their safety announcements complete with suggested script revisions and
115 performance ratings.

116 Initially, I tried patience. During our first conversation in January, I explained: “Your job is
117 in the kitchen, Brussell. That’s where we need your expertise.” They responded, “But Rudy, I
118 could be your eyes and ears throughout the resort! Think of me as your quality assurance
119 department!” I gently explained we already had quality assurance procedures that didn’t
120 involve sticky notes on bathroom fixtures.

121 The situation escalated after “the Sheep Shaker incident”—a name that still makes me
122 chuckle despite the headaches. In mid-February, Brussell abandoned their kitchen duties during
123 our busiest service period to respond to a minor incident on our beginner hill—a young skier
124 got their glove caught in the tow rope handle. Hardly life-threatening, more like Saturday
125 morning at any ski hill. While I appreciate wanting to help, Brussell left us short-staffed during
126 lunch rush, and s/he wasn’t trained for emergency assistance anyway. Our actual ski patrol
127 handled it within minutes.

128 When confronted, Brussell said, “I know more about this mountain than you do, and if you
129 made me assistant manager, incidents like this wouldn’t happen.” The combination of
130 insubordination and delusional self-assessment was concerning.

131 That earned their first reprimand. The second came when they were found conducting
132 “surveillance missions” during work hours—apparently Brussell had appointed themselves our

133 unofficial Director of Mountain Intelligence. They took detailed notes about skier traffic
134 patterns, then submitted lengthy sticky-note reports with charts and what appeared to be a self-
135 invented risk assessment matrix. When confronted, they said, “You should be grateful I’m doing
136 quality control that management is too busy to handle.”

137 Brussell’s termination occurred on the day of Sloane’s accident – April 1, 2023. We were
138 hosting a crucial brunch meeting with community leaders and potential sponsors interested in
139 preserving Brogus’ independence amid Alpine Ventures’ acquisition pressure.

140 Brussell showed up at 20 minutes late to their required 9:30 AM start time, leaving us
141 severely understaffed for VIP lunch prep. When asked where they’d been, they proudly
142 announced that they’d been “on patrol” at Crusty’s Couloir, discovering a knocked-over
143 warning sign near our snowmaking equipment. They expected a medal for fixing it and leaving
144 another sticky note with “additional signage improvements” suggestions. I half expected them
145 to request hazard pay for this unauthorized reconnaissance mission.

146 Their tardiness meant scrambling to prepare service. As I coordinated with catering staff,
147 Brussell rushed around like a caffeinated kitchen tornado. I watched them load plates of eggs
148 onto a serving tray—too many plates, arranged in a configuration defying physics and common
149 sense. I saw disaster approaching in slow motion. Brussell slipped on wet kitchen floor, sending
150 eggs flying everywhere, including all over my shirt and the freshly cleaned kitchen needed for
151 VIP service. It looked like a one-person food fight where Brussell was losing badly.

152 I terminated Brussell immediately: “You’re done! Third strike and you’re out! Take your
153 sticky notes and get out. NOW!” Looking back, I should have added “take your surveillance
154 equipment too,” but I was too busy figuring out how to host a professional meeting while
155 covered in scrambled eggs with crème fraiche and chives.

156 The irony is that Brussell’s obsession with Crusty’s Couloir’s snowmaking equipment
157 demonstrates why termination was justified. The equipment was properly positioned and
158 marked. If signs get knocked over by wind or wildlife—as surprising as snow being cold—our
159 daily safety patrols catch it during systematic inspections.

160 That was a long way of saying, I don't think Brussell is very trustworthy or reliable. They're
161 not exactly a model of stability and sanity to begin with, but they also have an axe to grind
162 against me and Brogus.

163 But really, that's neither here nor there. The facts of this case favor Brogus Basin. On April 1,
164 2023, and every other day, the resorts does everything they can to create a safe environment. As
165 awful as it is when anyone has an accident, we can't be held responsible for the reckless
166 decisions of someone like Sloane Wilder.

CASEY KOWALSKI: SKI PATROL, BROGUS BASIN

1 Yo.... Dudes, dudettes, what's up! Uh, my name is Casey Brody Kowalski, but like literally
2 everyone just calls me "C.B." or "Brody" or "Bro-ski" (uh, get it?). I'm 35 years old and I've been
3 living the dream in Boise, Idaho for the past twelve years, dude. Currently I'm Senior Ski Patrol
4 at Brogus Basin—best job in the world, no cap—and I've been keeping our brospehs and
5 brosephinas safe on our mountain for eight seasons now.

6 I also do avalanche forecasting for the resort during winter (Level 3 certified, which is pretty
7 gnarly), and in the off-season I fight wildfires for the Forest Service and guide people through
8 Idaho's sick backcountry. Basically, if it involves mountains, snow, getting after it, shredding
9 the gnar, or keeping people from doing Darwin Award-level stupid stuff in the wilderness, I'm
10 your guy/gal.

11 I've spent time in so many yurts and got like so many certs—EMT-Intermediate, Ski Patrol
12 National Alpine, technical rope rescue, the whole nine yards. Been skiing for over thirty years,
13 racing since I was like eight years old. Never made it to the Olympics (spoiler alert: there's a
14 story there involving a certain Swedish dude/dudette), but honestly? I'd rather be SHREDDING
15 powder at Brogus than dealing with all that political BS anyway. Like, what even is politics,
16 really?

17 And like Idaho isn't just where I live—it's literally in my literal DNA. I moved here from
18 Ohio back in '13 specifically because of places like Brogus Basin, where you can still experience
19 real, authentic skiing without all the corporate BS that's totally ruined places like Vail and Park
20 City. Like, you can actually afford a lift ticket, the locals are chill, and nobody's trying to upsell
21 you on some overpriced artisanal hot chocolate. I repeat: Brogus is chill and LAID BACK—
22 people are like, fully supine and decumbent up here.

23 So yeah like Brogus represents everything that's rad about skiing culture—tight community,
24 mad respect for the mountain, a DEEP SHRED ethos and sensibility, a DEEP COMMITMENT to
25 tubularism, and the understanding that skiing is inherently gnarly and that's literally what
26 makes it so epic. It's like, here we're just strictly about it, man. We're talking about a place where

27 the lift operators know your name, where you can still get a drink for three bucks, and where
28 people actually care more about fresh tracks than their Instagram feed. Does the staff sometimes
29 kick back too much instead of inspecting the runs? Whatever man—I guarantee you the suits
30 who write the corporate-resort safety manuals wouldn't know what it really takes to run an
31 operation like Brogus. They're too uptight, man!

32 Speaking of suits, we've got a new manager—Rudolf Carnap. At first I was totally bummed;
33 we had kind of anarcho-capitalistic thing going here. It was like, a Hayekian emergent order.
34 We'd always say "we don't need direction around here, trust your fellow dude or dudette to
35 make the right call." I don't know if we even had a manager or who signed my paycheck until
36 Carnap got here.

37 Anyway, Carnap is actually pretty chill and it's clear s/he cares about this place. S/he made
38 some reasonable suggestions—like, "No more ski-parachute jumps off the cafeteria roof into the
39 ravine" and "No more s'more cookouts on the surface of the main power generator," and "No
40 more napping after s'more cookouts (he claimed there was a risk of "Flaming Marshmallow
41 Plasma Contagion"), and "No more PlayStation 5 in the Ski Patrol lodge during emergency
42 drills." Okay dude, I get it—these were good ideas. Also, Carnap earned my respect because
43 he's an actual skier and knows what s/he's talking about. Above all, I trust anyone who can get
44 down and SHRED.

45 I've worked my way up from scraping ice off chairlifts at 5 AM to Senior Patrol, and
46 honestly, it's been the most epically righteous hero's journey of my life. I know every single inch
47 of our terrain—and I mean EVERY inch. I've probably skied Crusty's Couloir over a thousand
48 times, including in conditions that would make most people wet their snow pants. And yo, I
49 was personally involved in rescuing Sloane Wilder on the day s/he decided to bite off way more
50 than s/he could chew, and let me tell you, that whole situation was 100% user error.

51 I'm going to offer you some real talk about Sloane Wilder's accident. And this real talk just
52 backs up what I already included in the accident report I filed. When I got to Sloane s/he was
53 twisted up like a bright-orange pretzel buried in the snow—it was gnarly. Sifting through the

wreckage and putting him/her back together again was like one of those puzzles Sprout likes so much. Sloan had broken a bunch of ribs, sustained some ligament damage, had a bunch of bruises, and had dislocated his/her shoulder – the whole nine. And I’m pretty sure s/he had a concussion because s/he was apparently was hallucinating. S/he kept saying something about “I tried to dodge the wombat... I tried to dodge the WOMBAT.” And I was like “Yoooo, bro, you’re gonna be like, okay.” It was super weird because there haven’t been wombats on this mountain since 1878, when old Ebenezer McBrogus cleared out the timber to build the “Old Tyme Brogus Basinwoode Logging & Pulpwood Byproducts Mercantile Company,” which eventually became Brogus Basin ski resort. Legend has it the native wombat population was darted, captured, soothed, and then dropped by mini-parachute into a similar habitat in McCall, where apparently they are like, thriving. But no one has seen a wombat around these parts in over a century. So, Sloane clearly had some minor head trauma too.

By the time we got Sloane the medical assistance s/he needed, s/he got all mad at us and was all yelling because we wouldn’t arrange for a Life Flight. Sloane started sounding like a spoiled one-percenter saying, “Do you know who I am. I’m the kind of person you always treat like a VIP. Especially since there’s a good chance by this time next year I will be your boss.” Lucky for us, we have specific rules about when to utilize Life Flight, like major traumatic brain injuries, spinal cord damage, or the possibility of internal bleeding. Sloane’s injuries just didn’t make the cut for being that serious. Besides that, we can’t just dial up Life Flight for anyone who wants a helicopter ride. Flights like that can cost the resort over \$20,000 and Carnap had sent the word to everyone that it was important to use our resources wisely and save Brogus money whenever we could.

After we got Sloane his/her much-needed medical assistance, everyone started talking about the accident. I heard exactly what happened from a few different people, including Jordan Ellis who witnessed the event and told me what s/he saw. As someone who's been scraping people off our mountain for eight years and who knows Crusty’s Couloir better than I know my own apartment, I can tell you straight up that this accident was caused by classic tourist overconfidence, not some imaginary resort negligence.

82 Our Signage is Totally Legit. Crusty's Couloir is marked with multiple warning signs that
83 basically, essentially, sort-of scream "EXPERTS ONLY" and "SKI AT YOUR OWN RISK"—I
84 think they say that? I could be like, paraphrasing. But dude you'd have to be trying pretty hard
85 to miss them. We use snowmaking guns every year; they are straight-up chilling alongside the
86 edge(ish) of the run, and it's never caused a problem. Because, here's the crazy part, competent
87 skiers can actually see giant metal objects and avoid them! And I'm part of the team that makes
88 sure the snowmaking guns are super visible and marked off and stuff, and let me assure you we
89 were like, mondo diligent in our duties that week. In any event, visibility that day was crystal
90 clear—Sloane had no excuse for not seeing that equipment.

91 Assumption of risk is real. Look, when you click your ski poles and fully send it and pray to
92 the yetis and scrunch your soul and drop down n' dip into a black diamond run, you're
93 basically signing an invisible contract that says "Yo, I acknowledge this might go legit sideways
94 and I'm cool with that." That's like, Skiing 101. Or arguably Skiing 102, depending on which
95 community college you go to. Whatever, it doesn't matter—Sloane made a conscious choice to
96 attempt terrain that was clearly marked as being above recreational skier level. This tenet is like
97 fundamental to our sport—we expect people to be honest about their abilities and not attempt
98 something they're not ready for.

99 Industry Standards? We, like, exceed them. The suggestion that our snowmaking setup
100 violates industry standards is absolutely bogus (but not Brogus, get it!). That snowmaking gun
101 is positioned exactly where it needs to be according to manufacturer specs and NSAA
102 guidelines. It's painted in colors so bright they're practically radioactive, and we inspect it more
103 often than I wash my truck. We've had exactly zero severe accidents involving that equipment
104 until Captain Overconfident Tennis Pro showed up. Also, I'm reasonably sure that if there was
105 some safety protocol that was lacking, that Carnap would have addressed it... we all totally
106 relied on him/her to make sure the runs were safe.

107 More real talk. This time about so called "expert witness" Alva Björn Snorkelsson. Oh
108 man.... where do I even start with Alva? UGH. This dude/dudette is trying to pass themself off
109 as some objective expert witness when they're literally part of the corporate invasion force

trying to steal our mountain. Let me break down who Alva really is and why you should take everything s/he says with approximately seventeen grains of salt.

Follow the money, bro. Alva is a managing partner in the exact same investment group that's been trying to buy out Brogus Basin. Like, seriously? Finding us liable in this case would totally tank our reputation and make us desperate to sell, probably for way less money. His/her whole "this would complicate an acquisition" line is such corporate doublespeak—these investment bros are sophisticated enough to use a negligence finding as leverage to drive down the purchase price. It's like Corporate Takeovers 101. Or 102, whatever.

Here's what Alva "conveniently" forgot to mention in their fancy statement. We both raced in Junior Olympics back in '03, and yeah, Alva beat me in Giant Slalom by 0.3 seconds. But here's the thing—three months later, officials discovered that her/his skis had been illegally modified with aftermarket binding plates that weren't approved for junior competition. Alva literally cheated their way to literal victory!

I got awarded the gold medal eventually, but by then it was too late—college recruiters had moved on, sponsors had signed other athletes, and my racing career basically died before it started. But you know what? I'm not even mad about it anymore because it led me to Idaho and to Brogus Basin, which is honestly way better and more chill than being stuck in some corporate ski racing machine.

I'm bringing this up because it shows exactly who Alva is—someone who's willing to bend rules and manipulate situations to get what they want. And that's exactly what Alva's doing now, except instead of illegal ski equipment, they're using bogus expert testimony to help their investment buddies steal our mountain.

Now, you're ready for the realest of talk; this time about Sprout McKay. Yooooo dude, don't even get me started. They got that guy/gal to testify against Brogus Basin? UGH s/he is the worst. Where do I begin? This guy/gal tried to join our ski patrol and they were literally the worst ever. They could hardly ski, just barely able to get down a blue run, and yet, they were somehow convinced that they were the best on the mountain. S/he actually unironically called

137 him/herself “Future King/Queen of the Mountain.” I never understood it. Also Sprout had these
138 weird obsessions—Sprout loved British television, discussions of ancient history, discussion of
139 the “Marquess of Queensbury Rules,” speed chess, slow cheesemaking, and collecting “replica
140 busts of famous Prime Ministers,” whatever that means. Sprout would say stuff like, “Did you
141 catch the kerfuffle on Downing Street last week?” And we would all be like: “Uhh.. what?”

142 But Sprout hated video games, podcasts, professional wrestling, snowboarders, breakfast
143 burritos, good vibes, the concept of “relaxing for its own sake,” and basically everything that
144 everyone else liked. Sprout was decidedly most unchill, is what I’m saying. Nobody could stand
145 Sprout, and nobody could stand that Sprout was constantly making “safety suggestions on our
146 behalf”—picking out tiny little things that needed to be fixed or addressed. All Sprout ever
147 talked about was the minutiae of what needed to be changed on the mountain—but it was never
148 actual risks—it was more like checking boxes and safetyism for its own sake. After a while we
149 were all like.... “Dude... chill out.”

150 Sprout eventually got fired for repeatedly sending reported “violations” off “to Karen in
151 H.R.”—but we don’t even have an H.R. department! Much less a Karen. I suppose Sprout now
152 has an axe to grind against Brogus and against those who were more chill than s/he ever could
153 be. How can I say this in the nicest way possible: Sprout’s like, a dork with a vendetta.

154 I also feel like I need to defend my objectivity. Look, I know Sloane Wilder’s lawyers are
155 gonna try to paint me as some biased local yokel who's too attached to Brogus to see straight.
156 That's totally not the case, and here's why.

157 My first priority as a patroller is keeping people safe—not protecting my employer, not
158 maintaining some image, but literally just preventing people from getting hurt or killed on our
159 mountain. If I thought Brogus was operating unsafely, I'd be the first person raising hell about
160 it. I've filed safety reports that cost the resort serious money to fix, and I've recommended
161 closing terrain when conditions were sketchy, even when management wanted to keep it open
162 for revenue reasons.

As for Alva, yeah, our history gives me insight into their character that other people might not have. But my testimony isn't based on some ancient grudge—it's based on my professional assessment of an accident that I personally responded to, on terrain that I know better than literally anyone else alive.

This whole lawsuit isn't about ski safety—it's about a group of corporate raiders who couldn't buy us legitimately, so now they're trying to destroy us through the courts. When the Brogus Basin Benevolence Board told the Alpine Venture buyout offer to take a long walk off a short pier, these investment bros immediately started looking for other ways to acquire our mountain.

Having one of their own investors conveniently suffer an "accident" on our gnarliest terrain and then blame it on the resort? That's like something straight out of an 80s movie where the evil developers are trying to steal the local ski hill. Except this is real life and these corporate vultures are actually trying to destroy everything that makes Brogus Basin special.

Wilder is an average weekend warrior who had absolutely no business attempting Crusty's Couloir. S/he made a terrible decision, ate it hard, and now s/he and his/her investment buddies are trying to blame us for his epic fail. This lawsuit is nothing more than a corporate hostile takeover disguised as a negligence claim.

Brogus Basin has been operating safely for over forty years by respecting both the mountain and the skiers who choose to challenge themselves here. We've always been super upfront about the risks involved in skiing our terrain, and we've always expected skiers to take responsibility for their own choices and decisions.

Sloane's accident totally sucked, but it was caused by their own poor judgment and overconfidence, not by any failure on our part. If we let this lawsuit succeed, it would set a super dangerous precedent that ski resorts are somehow responsible for protecting people from their own bad decisions. That would fundamentally change skiing and threaten challenging terrain at mountains across the entire country.

But more than that, it would hand a victory to corporate investors who are trying to destroy the authentic skiing culture that places like Brogus Basin represent. These are the same people who've turned places like Aspen into overpriced theme parks where locals can't even afford to live in the same zip code where they work. And then what? Instead of getting burgers at the lodge, you order high-priced omakase at some elite resort? Instead of learning to ski with your Mom and Dad on the weekend, you're priced out by movie stars and celebrities? Instead of kids getting a free t-shirt featuring Willy Wombat—our current lovable mascot—you pay \$185 for an overpriced executive polo shirt with a smart "William Wombat" logo stitched onto the pocket?

No way dude. We can't let that happen to Brogus—not just for us locals, but for skiing itself. Because once these corporate types get their hands on our mountain, it'll just become another soulless money-making machine where everything costs twice as much and half the terrain gets closed because some lawyer thinks it's too risky.

That's not skiing, dude. That's just business wearing ski boots.

JORDAN ELLIS: RISK CONSULTANT, EYE WITNESS

1 My name is Jordan Ellis. I am 42 years old and reside in Boise, Idaho. I am providing this
2 statement voluntarily and to the best of my recollection regarding an incident I witnessed
3 firsthand on April 1, 2023, at Brogus Basin Ski Resort during the final weekend of the official ski
4 season. I wish the accident hadn't happened. No rational person wants to see someone get hurt
5 on the mountain. But as someone who models risk for a living, I can tell you: the odds were
6 never good. The variables were all pointing in the wrong direction—novice on expert terrain,
7 unfamiliar equipment, inflated confidence, and a visible fixed obstacle in the fall line. When
8 conditions like that converge, the question isn't if something will go wrong. It's when.

9 I don't say that lightly. I've spent the last two decades immersed in the science of risk—
10 quantifying uncertainty, modeling worst-case scenarios, and helping people prepare for the
11 improbable before it becomes the inevitable. Maybe if I tell you more about that work, and how
12 I approach the mountain, it will be clear why this particular incident stood out the way it did.

13 I am a Senior Risk Consultant for HelioMetrics, a firm that specializes in actuarial science,
14 enterprise risk, and predictive modeling for large-scale loss scenarios. I've worked in this field
15 for close to twenty years. I hold a Fellowship in the Society of Actuaries and have certifications
16 in behavioral risk modeling and operational liability assessment.

17 In layman's terms, I help organizations anticipate and prepare for worst-case scenarios—
18 events that might only occur once in a generation but can have devastating effects when they
19 do. My job is to find the cracks in the system before the system fails. Most people assume this
20 means I'm a pessimist. It doesn't. I'm just... prepared. For everything. I carry extra batteries. I
21 bring my own carbon monoxide detector to hotels. I believe in seat belts, sunscreen, and single-
22 ply toilet paper—because overconfidence ruins everything.

23 Outside of work, I'm an avid skier. And, obviously, a careful one. I've been skiing since I
24 was five. I grew up in Montana, where kids learn to make parallel turns before they can spell
25 "liability waiver." These days, I average about 35 ski days a year, mostly on expert terrain. I
26 always wear a helmet and carry an avalanche beacon, and I never hit the slopes without a

laminated copy of the Alpine Responsibility Code velcroed into the lining of my inner jacket pocket. I also carry a torque wrench in my ski bag to double-check my binding settings before every trip. It might sound excessive, but I'm confident it's the reason I've never become a statistic in my own actuarial tables.

Suffice it to say, I'm the person people laugh at in the lodge—until someone gets helicoptered off a ridge. Then they usually ask to borrow my whistle.

On -April 1, I arrived at Brogus at precisely 9:00 a.m. I parked in North Lot, Row C—third space from the light post. (I always choose that spot because it's near a security camera and within direct sightline of the main access road—fewer blind corners, quicker emergency access, and less risk of someone dinging your bumper with a tailgate.) The temperature was 28°F. Winds were calm. Visibility was clear—what we skiers call a “bluebird day.” But conditions were deceptive. A late-season storm had dropped around 10 inches of powder the day before, on top of a variable spring snowpack. The resort hadn't groomed most of the advanced terrain overnight, which meant there was a thick powder layer over a compact, and in some spots, icy base. Beautiful to look at—treacherous to ski without edge control or experience.

I began with two warm-up runs on intermediate terrain—Rolling Pines and Lower Bluff. I always do a warm-up, even if I feel 100%. It's not superstition; it's protocol. I use those runs to evaluate snowpack behavior, ski response, traffic, and potential hazards. On that day, skier density was moderate, but I flagged two spots with exposed roots and one improperly marked ridge drop near the top of Lower Bluff.

After my second run, I transitioned to the Summit Chairlift, which serves the resort's steepest terrain. I was headed to Crusty's Couloir, a black diamond trail that I've skied many times. It's one of the resort's most challenging lines: a sustained pitch exceeding 38 degrees in the middle third, two rollover sections that obscure downhill visibility, and a terrain funnel along the right-hand side that tends to pull skiers off balance—especially those lacking edge control.

On April 1 Crusty's Couloir also included an additional hazard—a snowmaking gun about halfway down the run, on the skiers' right. The gun wasn't operational that late in the season, but it was still there, marked with a reflective warning placard. It wasn't concealed. I could see it from the chairlift but it sat just below the terrain funnel. I remember making a mental note to proceed with caution.

After standing in line for a few minutes, I boarded the Summit Chair at about 10:15 a.m. I was hoping to ride solo so that I could evenly distribute my weight in the middle of the chair but, at the last second, the lift operator paired me with another skier whom, to my surprise, I immediately recognized as Sloane Wilder. Now, I admit I'm not the most astute observer when it comes to celebrities. I don't follow pop culture or professional sports closely. I've never owned a tabloid magazine or watched a major sporting event by choice. But even I knew who s/he was. Sloane is unmistakable—an instantly recognizable face from major ad campaigns. You'd have to live under a rock not to recognize her/him. And even though I live in spreadsheets, not under rocks, it was still a little jarring to see someone that famous riding on a chairlift at a regional ski resort. S/he was dressed in flashy gear—bright orange pants, a matte black helmet with a reflective visor, and a jacket that looked like it had never been worn before. Her/his skis looked brand new, though—which I clocked immediately. And it didn't look like the skis had been tuned properly. The binding DIN settings looked wrong for someone of her/his build, and the edges had clearly not been tuned or waxed. Sloane was wearing sunglasses when s/he really needed goggles for the conditions, and the sunglasses were fogging already. S/he was wearing a helmet but when I saw him/her the chin strap wasn't fastened, which basically makes the helmet useless.

I could tell when Sloane sat down next to me that s/he expected me to fawn over her/him. But I'm not one to gush. I'm not cynical; I just don't fangirl/boy. Celebrity doesn't impress me the way actuarial integrity or well-executed avalanche mitigation does. In my line of work, charisma doesn't change math. A global icon and an intern both bleed red if they make the wrong decision at the wrong time. So, while I did recognize her/him, I chose not to make a big deal about it.

81 Instead, I introduced myself, made eye contact, and asked how the morning was going. S/he
82 gave a tight smile and told me the snow was “killer.” Her/His tone was a little clipped, like s/he
83 wasn’t used to being treated like a civilian. But eventually s/he thawed a bit and asked what I
84 did for a living. When I said I worked in risk analytics, s/he gave a mock shiver and said, “So
85 you’re the person who ruins all the fun.” “I don’t ruin it,” I replied, “I just calculate exactly how
86 fast it’ll go sideways.”

87 That seemed to amuse her/him—or at least disarm her/him enough to keep talking. The
88 conversation shifted from small talk to what I’d call executive-level bragging. S/He said s/he was
89 in town with a group of investors—evaluating the resort as part of a potential acquisition deal.
90 According to her/him, they’d already toured the main lodge, met with the general manager,
91 reviewed visitor metrics, and were “checking out the terrain” to get a sense of the resort’s
92 “vibe.”

93 S/He described it all very casually. Like this wasn’t a serious business trip, but a joyride with
94 tax write-offs. Then, about two-thirds of the way up the lift, s/he said something that made me
95 physically tense.

96 “This is my first black diamond.”

97 I turned toward her/him. “First ever?”

98 “Yeah,” s/he said, almost proudly. “I usually do blues, but, you know, we might be buying
99 this place—gotta see the goods, right?”

100 S/He chuckled like this was some kind of real estate adventure. Meanwhile, I could already
101 feel my stomach tightening.

102 I mentioned that the run was extremely steep and ungroomed,. I said it was mogul-heavy
103 and variable beneath the powder. I even pointed out a side catwalk called Cloud Meadow that
104 loops back toward intermediate terrain. It was a lifeline. I offered it without judgment.

105 But Sloane waved me off and said, “Nah, I’ll be good. Worst case, I wipe out. Besides, how
106 am I going to become a better skier if I don’t challenge myself to try more challenging runs?”

107 It wasn't said with bravado. More like indifference. The kind you see in adrenaline junkies
108 or people who think they're immune to the laws of physics. The kind of attitude that fills
109 emergency rooms.

110 I didn't push further. I've learned the hard way that unsolicited advice from a laminated-
111 safety-code gal/guy rarely lands with people whose gloves cost more than my skis.

112 But internally, I was on alert. What I saw on that lift was a classic case of inflated confidence
113 paired with low experience—and a psychological quirk I see often: celebrity exceptionalism.
114 People who are used to succeeding in high-stakes, high-visibility environments often believe
115 that competence transfers laterally. It doesn't. Skiing a black diamond requires muscle memory,
116 edge control, balance, and confidence tempered by a healthy dose of humility. Sloan had one of
117 those things—and it wasn't humility.

118 A few minutes later, we reached the summit and slid off the lift. I watched Sloane pause at
119 the trailhead, taking in the signage. One sign clearly read: "BLACK DIAMOND – EXPERTS
120 ONLY." Just beside it, a large orange placard said something along the lines of "Warning:
121 Snowmaking Equipment Ahead." I don't remember the exact wording, but the intent was
122 obvious—this was not a run for improvisation. For a moment, Sloane seemed to register that.
123 S/He hesitated—just long enough that I thought s/he might take the catwalk. But then s/he
124 zipped up her/his jacket, cracked her/his neck like s/he was preparing for a match, and moved
125 toward the drop-in.

126 I clipped into my skis, did a short edge test, and dropped in first. My turns were measured.
127 The fresh powder floated nicely, but the underlayer was inconsistent. I skied deliberately,
128 staying left of the terrain funnel and well away from the snow gun.

129 About halfway down, just above the second terrain rollover, I stopped to hydrate and check
130 the slope above me. That's when I saw her/him.

131 Sloane had entered the run—slowly at first. Her/His skis were too far apart, her/his stance
132 too upright. S/He leaned back, putting pressure on her/his heels instead of her/his shins. S/He

attempted a shallow turn—more of a panic pivot than anything—and began to accelerate uncontrollably.

S/He tried to slow down using a snowplow technique—effective on green runs, maybe, but absolutely useless on a black diamond run. You can’t “pizza” your way down a 38-degree face covered in uneven snow. One ski caught a mogul ridge. It popped off. The other stayed on, which only made things worse. S/He attempted to recover, but the slope was too steep, and her/his trajectory had already veered hard skier’s right—toward the snow gun.

I watched, helpless, as s/he collided with it. The sound was sickening. A dull metallic thud, followed by a groan.

I skied to her/him immediately. S/He seemed to be in and out of consciousness but was clearly out of it, holding her/his left arm. Her/His helmet was cracked and had fallen off and her/His sunglasses had twisted sideways. S/He was in visible pain.

I signaled for ski patrol using my emergency whistle and radioed in the approximate coordinates. They arrived in about 15 minutes, stabilized the scene, and prepped her/him for sled transport. I remained on-site until they cleared her/him off the slope.

At the lodge, I bought a coffee and pulled out my notebook. I wrote everything down—timestamps, conditions, slope angle, visibility, and the lift conversation. Not because I anticipated legal action. I just always document anomalous events. It helps me process. It makes sense of chaos. Especially when the pattern was so obvious.

This wasn’t a random accident. It was a sequence of avoidable decisions: a skier on terrain beyond her/his ability, ignoring both signage and peer advice, relying on charisma in a situation that demanded competence.

Could the resort have removed the snow gun? Possibly. It was late season, and the unit hadn’t been operational. Its placement—at the end of a terrain funnel—wasn’t ideal. But it was marked, visible, and avoidable for anyone skiing under control. Sloane wasn’t.

158 And perhaps that's the irony. This celebrated person—used to cameras, fans, deference—
159 encountered something entirely indifferent to reputation. The mountain doesn't care if you're
160 on a Wheaties box or a movie poster. It treats everyone the same. Reckless is reckless.
161 Unprepared is unprepared.

162 I submit this statement truthfully, based on what I saw, what I know, and what I've spent
163 two decades learning the hard way: Risk doesn't care who you are. Only how you behave.

EXHIBITS

These case materials include the following exhibits:

- 1) Brogus Basin Day Pass for Sloane Wilder (Front & Back)
- 2) Ski Run Difficulty Chart
- 3) Black Diamond Warning Sign at the Top of Crusty's Couloir
- 4) Equipment Warning Sign on Crusty's Couloir
- 5) Snowmaking Machine on Crusty's Couloir
- 6) Brogus Basin Ski Resort Weather Report from April 1, 2023
- 7) Notes from McKay to Carnap
- 8) Sloane Wilder's Accident Report
- 9) Trail Map of Crusty's Couloir
- 10) Alva Snorkelsson's Site Inspection Report
- 11) European Standard Black Diamond Warning Sign
- 12) Brogus Basin Audit Findings Letter
- 13) Ski Patrol Inspection Log

EXHIBIT 1: BROGUS BASIN DAY PASS FOR SLOANE WILDER (FRONT & BACK)



EXHIBIT 2: SKI RUN DIFFICULTY CHART








<div>  Alpine Ski Run Difficulty Chart </div>			
Symbol	Name / Difficulty	Typical Terrain	Skills Required
	Beginner / Easy	Wide, gentle slopes with mild gradients (6–25% slope). Groomed and predictable surfaces.	Ability to snowplow and stop safely. Control speed on gentle terrain. Basic turns. Comfort riding beginner lifts.
	Intermediate / More Difficult	Steeper pitches (25–40% slope), often narrower trails. May include small moguls or ungroomed sections.	Parallel skiing (or snowboarding with linked turns). Confident speed control. Ability to navigate moderate terrain variety. Comfort with moderate traffic.
	Advanced / Difficult	Steep slopes (40%+), moguled runs, ungroomed snow, narrow chutes, tree runs, and variable conditions.	Strong parallel turns. Short-radius turning. Edge control on steep and icy terrain. Confidence at higher speeds. Ability to recover from terrain changes.
	Expert / Most Difficult	Very steep (40–60%+), cliffs, terrain funnels, tight trees, large moguls, exposed rock, glades. Often ungroomed with unpredictable snowpack.	Expert edge control. Aggressive, precise turns. Ability to handle moguls, deep powder, ice, and hazards. Strong risk assessment and quick decision-making.
 or  (Resort-Specific Markings)	Extreme / Hazard Terrain	Cliff bands, couloirs, avalanche-prone areas, mandatory drops. Rarely groomed, avalanche-controlled only.	Professional-level skiing/riding. Avalanche awareness and safety gear may be required. Strong mountaineering skills. Not recommended for most.

EXHIBIT 3: BLACK DIAMOND WARNING SIGN AT THE TOP OF CRUSTY'S COULOIR



EXHIBIT 4: EQUIPMENT WARNING SIGN ON CRUSTY'S COULOIR



EXHIBIT 5: SNOWMAKING MACHINE ON CRUSTY'S COULOIR



EXHIBIT 6: BROGUS BASIN SKI RESORT WEATHER REPORT FROM APRIL 1, 2023



EXHIBIT 7: NOTES FROM MCKAY TO CARNAP

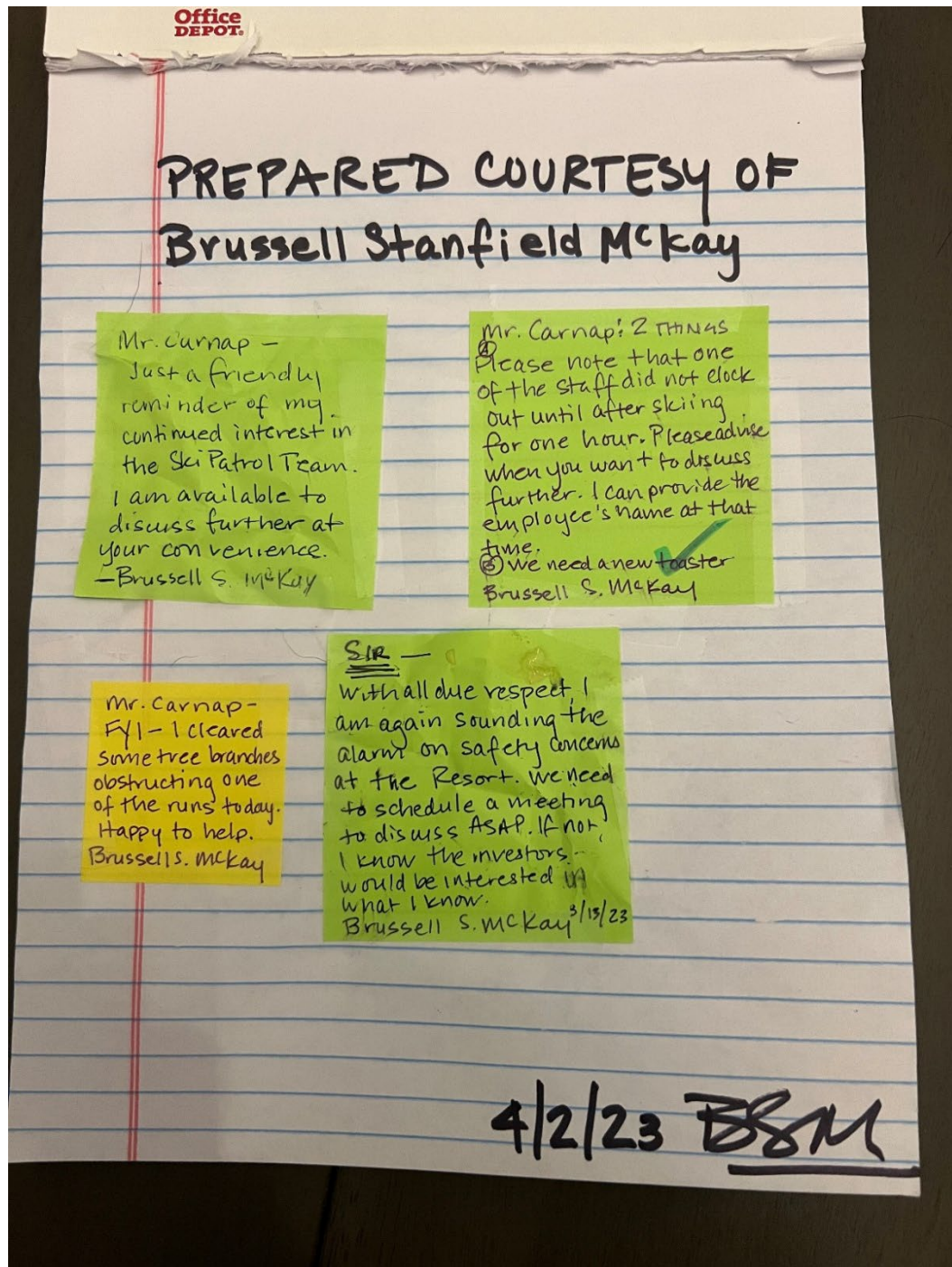


EXHIBIT 8: SLOANE WILDER'S ACCIDENT REPORT

Brogus Basin Ski Resort Accident/Incident Report

Name of Injured Party: Sloane Wilder

Date/Time of Incident: April 1, 2023; approximately 10:30 AM

Location: On the bottom half of Crusty Coulier ski run

Description of Incident

At approximately 10:30 AM, skier Sloane Wilder collided with a snowmaking machine located on the bottom half of Crusty Coulier ski run. The skier was assisted in a timely manner (less than 20 minutes) on the run by ski patrol and taken to the onsite medical hut.

Reported Injuries

- Mild concussion (skier alert and oriented, but reported dizziness/headache)
- Minor bruising to body and extremities
- Shoulder dislocation (reduced/popped back in by trained personnel)
- Fractured wrist (stabilized with splint)

Ski Patrol Actions

- Immediate on-site assessment conducted
- Helmet had fallen off and an inspection showed signs of impact but remained intact
- Shoulder was successfully reduced in the field
- Wrist stabilized using appropriate splinting techniques
- Patient transported safely via toboggan to medical clinic at base area
- Monitoring for concussion symptoms initiated

Medical Transport Decision

Skier requested Life Flight transport. After medical evaluation, ski patrol determined that the injuries were not severe enough to warrant Life Flight evacuation. Patient was instead advised to seek follow-up medical care at an urgent care facility or hospital via ground transportation.

Accident Classification

Severity: Minor to Medium

Type: Collision with fixed equipment (snowmaking machine)

Additional Notes

Conditions at time of incident: Sunny and clear, new layer of snow, 28 degrees

Equipment involved: Snowmaking machine in the middle of the ski run (noted and reported for safety review)

Witnesses: Jordan Ellis

Report Completed By: Casey Kowalski, Ski Patrol, Brogus Basin

Date Submitted: April 2, 2023

EXHIBIT 9: TRAIL MAP FOR CRUSTY'S COULOIR

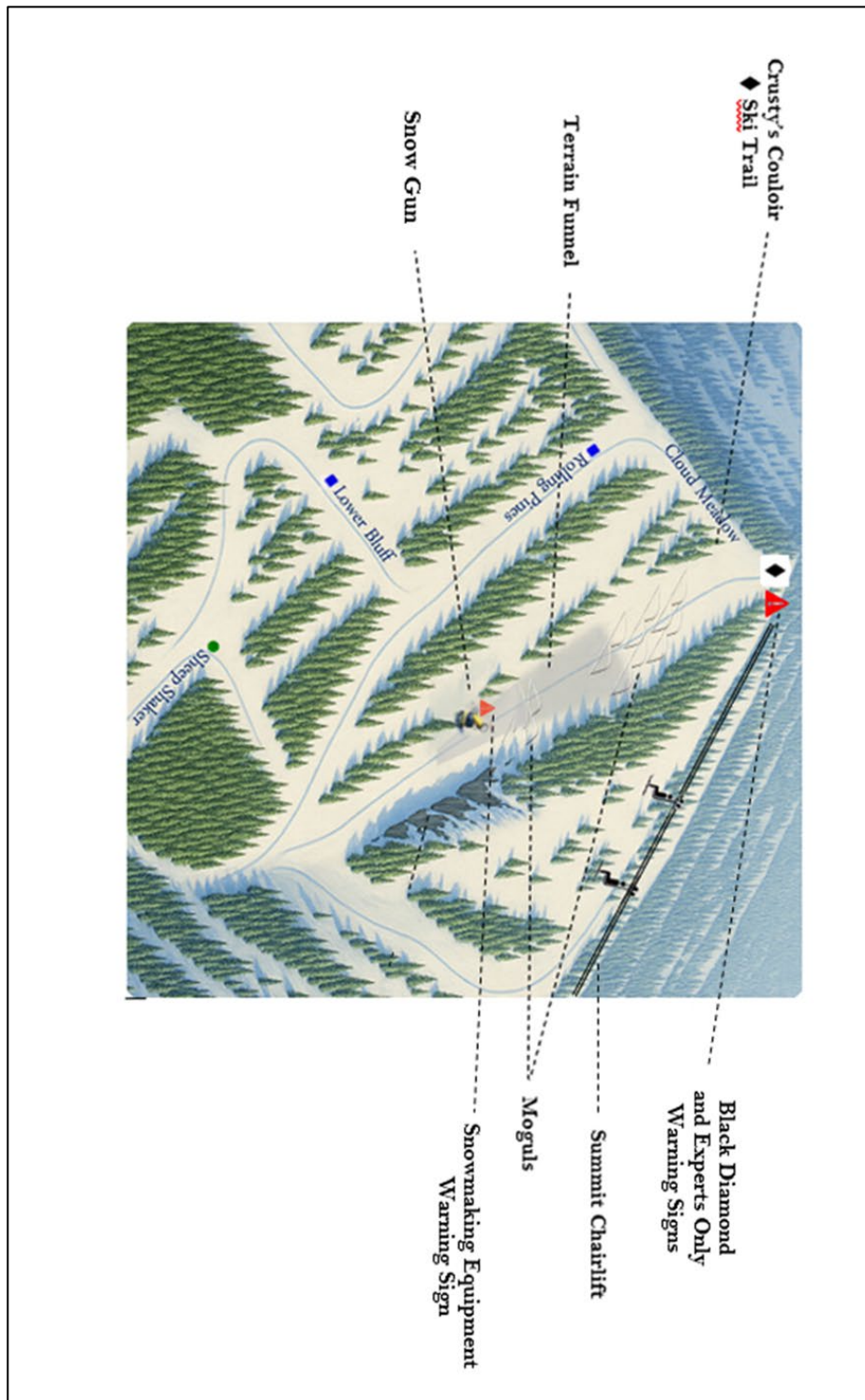


EXHIBIT 10: ALVA SNORKELSSON'S SITE INSPECTION REPORT

EXPERT WITNESS REPORT

Plaintiff: Sloane Wilder
Subject: Ski Accident on April 1, 2023

Defendant: Brogus Basin Ski Resort
Prepared by: Alva Snorkelsson

Expertise

I am a licensed Professional Engineer with 22 years of experience in ski area infrastructure, snowmaking system design, and mountain safety inspections. I have consulted for ski resorts across the U.S. on snowmaking operations, hazard mitigation, and compliance with industry standards set by the National Ski Areas Association (NSAA) and ASTM F2959-23 ("Standard Practice for Snowmaking Operations").

I have testified in civil litigation for both state and federal courts regarding ski accidents I have worked on behalf of both plaintiffs and defendants. My work includes investigation and case review, report preparation, and testimony (both deposition and at trial). The typical rate for someone of my background and expertise ranges from \$5,000 to \$15,000, depending on the complexity of the case. For this case, I am charging a flat fee of \$12,000.

Assignment

I was retained by counsel for Sloane Wilder to:

- Inspect the accident site, including but not limited to signage, equipment placement and operation, and other general conditions on Crusty's Couloir expert ski run at Brogus Basin Ski Resort.
- Review the materials outlined below.
- Provide opinions regarding the standard of care for operations at the site and the conditions that contributed to the accident.

Materials Reviewed

- Brogus Basin Liability Waiver language
- Ski Patrol Site Inspection Log (April 1, 2023)
- Brogus Basin Weather Report (High 26°F, 10" new snow)
- Resort trail map and equipment placement diagram
- Accident report for Sloane Wilder
- Photographs of the snowmaking machine involved
- Witness statements from ski patrol and eyewitnesses

Observations

On April 1, 2023, at approximately 10:35 a.m., plaintiff Sloane Wilder was descending Crusty's Couloir, a single black diamond run, when s/he collided with a stationary snowmaking gun located on the lower ridge near the intersection of two fall lines. Crusty's Couloir is a terrain funnel, a ski run, chute that starts wide at the top and gradually narrows as it descends. This creates a "funnel" shape that focuses the skier's path into a more confined space. These features are often found on expert or extreme terrain and can present a number of challenges. These types of runs narrow as the skier descend, often with rock walls, cliffs, or dense trees on either side, limiting visibility. The snowmaking machine as well as the warning signage for the machine, was placed in the narrower part of the funnel

The snowmaking machine lacked sufficient reflective markings and was positioned approximately 6 feet from the groomed trail edge, partially obscured by recent snowfall and tree formation. The snowmaking gun was not roped off or flagged and the warning signage was not placed to provide sufficient notification that the snowmaking gun

was ahead. The location of the gun was in a high-speed, low-visibility compression zone of the run, increasing collision risk. The ski patrol inspection log for the morning documented that hazard signage had fallen and had to be reinstalled. This was backed by witness Brussell McKay's statement that they had witnessed the sign had become dislodged a second time after the ski patrol morning inspection.

Expert Opinions

Based on my review and inspection, it is my professional opinion, within a reasonable degree of certainty, that:

1. The placement and lack of marking of the snowmaking machine created an unreasonable hazard to skiers, especially on a black diamond run where higher speeds and varied snow conditions are common.
2. Brogus Basin Ski Resort failed to follow industry-standard marking and equipment safety protocols, including visual hazard marking and equipment placement and visibility measures. The absence of protective padding, or barricades materially contributed to the collision. (See note below concerning ASTM F2959-23 and NSAA guidelines)
3. The collision and resulting injuries to Sloane Wilder were foreseeable and preventable through reasonable safety measures that were not employed by Brogus Basin Ski Resort.

Conclusion

It is my conclusion that the snowmaking equipment involved in the accident was improperly marked and placed, and that Brogus Basin Ski Resort's failure to follow established safety protocols was a substantial contributing factor to the plaintiff's injuries.

Note Regarding Snowmaking Guidelines & Standards

ASTM F2959-23 ("Standard Practice for Snowmaking Operations") and the National Ski Areas Association (NSAA) Snowmaking Guidelines set forth widely recognized industry standards for the safe placement, marking, operation, and maintenance of snowmaking equipment on ski terrain. These standards address equipment visibility, padding, signage, shutoff systems, and routine inspection protocols to minimize collision hazards. While voluntary, they are broadly adopted in the ski industry and commonly referenced by insurers, regulators, and courts as reflecting the accepted standard of care for ski area operations.

EXHIBIT 11: EUROPEAN STANDARD BLACK DIAMOND WARNING SIGN



EXHIBIT 12: BROGUS BASIN AUDIT FINDINGS LETTER

Margaret "Maggie" L. Fairstone, CPA, CFE
Managing Partner & Lead Auditor
Fairstone Audit Group
802 W. Brandon Street, Suite 600
Boise, ID 83706



January 28, 2023

Board of Directors
Attn: Rudy Carnap, General Manager
Brogus Basin Ski Resort
2600 N. Bogus Basin Road
Boise, ID 83703

Dear Members of the Board:

As part of our audit of the financial statements of Brogus Basin Ski Resort (the resort) for the fiscal year ending June 30, 2022, we are required to communicate certain matters relating to internal control, financial reporting, and operational sustainability. Our responsibility under generally accepted auditing standards is to obtain reasonable assurance about whether the financial statements are free of material misstatement. However, during our audit procedures, we noted several adverse findings that we believe warrant the Board's immediate attention.

Consideration of Going Concerns

The resort has experienced operating losses over the past 3 years, with current liabilities exceeding current assets by approximately 16%. Negative cash flows and reliance on short-term borrowing raise substantial doubt about the resort's ability to continue as a going concern without significant restructuring, refinancing, or additional capital infusion.

Liquidity Constraints

We observed low cash reserves. Due to several years of operating losses, Brogus's reserve has dropped. An organization the size of Brogus should hold a reserve of 8 to 12 months of operating expenses. Brogus has dropped to 6 months. This is a concerning margin that increases financial vulnerability, particularly in the event of unfavorable snow seasons or unexpected expenses.

Additionally, the resort is not currently in compliance with certain loan covenants, including debt service coverage ratio requirements. This noncompliance exposes the organization to risk of loan default, acceleration of debt repayment, or unfavorable refinancing terms.

Revenue Concentration Risk

A significant portion of revenue is dependent on a limited ski season and weather conditions. There is limited diversification into off-season activities (e.g., summer recreation, lodging, events), which increases risk exposure. Industry best practice would suggest developing alternative revenue streams to stabilize operations year-round.

Deferred Maintenance and Capital Expenditures

Critical infrastructure, including lifts and snowmaking equipment, shows evidence of deferred maintenance. Failure to address these capital needs could result in operational downtime, increased safety risks, and potential regulatory non-compliance.

Vulnerability to Takeover

The organization's current financial position, combined with its governance structure and lack of formal strategic protections, leaves it vulnerable to a potential external takeover or loss of operational control. There are no formalized anti-takeover provisions in place (e.g., supermajority requirements, buy-sell agreements, or mission protection clauses).

Fairstone Audit Group strongly recommends that the Brogus Basin management and Board of Directors consider the following remedial actions:

1. Strategic Financial Planning: Engage in scenario-based forecasting and explore equity investment or restructuring options.
2. Liquidity Improvements: Review opportunities to reduce expenses, renegotiate vendor contracts, and pursue new revenue opportunities.
3. Operational Diversification: Develop non-winter revenue streams (lodging, events, summer activities) to mitigate seasonality risk.
4. Capital Investment Plan: Prioritize essential repairs and develop a multi-year maintenance and safety compliance plan.
5. Lender Communication: Proactively negotiate with lenders to address covenant breaches and ensure continued access to financing.
6. Reduce Takeover Vulnerabilities: Develop a multi-year financial sustainability and capitalization plan and strengthen board governance policies (e.g., supermajority vote for major decisions, mission-lock provisions) and/or consider strategic alliances or partnerships proactively rather than reactively.

The matters described above are significant and pose risks to the ongoing viability of the resort as an independent entity. While management has already taken some steps to address these challenges, we urge the Board to take immediate and deliberate action to safeguard the financial and operational future of the resort.

We appreciate the cooperation and assistance of your staff during the course of our audit. Please do not hesitate to contact us should you wish to discuss these matters further.

Sincerely,

Margaret Fairstone

Margaret Fairstone, CPA, CFE
Managing Partner & Lead Auditor

EXHIBIT 13: SKI PATROL INSPECTION LOG

Ski Patrol Site Inspection Log

Resort Name: Brogus Basin Ski Resort

Date: April 1, 2023

Inspector(s): T. Laramie / C. Kowalski

Patrol Shift: AM

Weather: Sunny with light wind, Temperature: 26 °F

Snow Conditions: 10" new snow overnight; packed powder with soft moguls developing

Terrain & Trail Inspection

Trail	Open / Closed	Conditions	Hazards / Obstructions	Signage?	Notes
Crusty's Couloir	Open	Steep black diamond; soft moguls	Snowmaking machine lower ridge skier's right	Yes	Area near snowmaking machine is near trees; may become less visible if conditions become cloudy but there is a warning sign above the machine. Area may also become icier under cloudy conditions

Equipment & Safety Features

Equipment	Inspected	Functioning	Visibility	Issues?	Notes
Snowmaking Gun – Lower Ridge (Couloir)	Yes	Yes	Yes, reflective coating	No	Snowmaking gun placed in the run, near the edge; Warning signage in place above the machine

Signage & Warnings

Location	Sign Type	Present	Visible	Action Taken
Crusty's Couloir Entrance	Black Diamond – "Warning: Experts Only"	Yes	Yes	Verified placement and visibility
Mid-run (above snow gun)	Hazard – Equipment	Yes	Yes	Sign placed skier's right signage had become loose and fallen; secured signage and restaked it

Additional Notes / Observations

- Crusty's Couloir opened at 8:30 AM after patrol completed hazard marking.
- Steep pitch with soft moguls forming early; good coverage from overnight snowfall.
- Snowmaking gun at lower ridge lacks reflective coating and proximity sensors, making it less visible during changing light.
- Entrance signage is standard single black diamond with "Warning: Experts Only" — clearly visible and legible.

Inspector Sign-Off

Name: T. Laramie

Signature: *Tarah Laramie*

Time Completed: 8:10 AM

JURY INSTRUCTIONS

INSTRUCTION NO. 1

These instructions explain the duties of jurors and define the law that applies to this case. It is the jury's duty to determine the facts, to apply the law set forth in these instructions to those facts, and in this way, to decide the case. The jury's decision should be based upon a rational and objective assessment of the evidence. It should not be based on sympathy or prejudice.

INSTRUCTION NO. 2

In determining the facts, the jury may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits admitted into evidence, and any stipulated or admitted facts. While the arguments and remarks of the attorneys may help the jury understand the evidence and apply the instructions, what they say is not evidence. If an attorney's argument or remark has no basis in the evidence, the jury should disregard it.

The production of evidence in court is governed by rule of law. At times during the trial, the judge may have sustained an objection to a question without permitting the witness to answer it, or to an offered exhibit without receiving it into evidence. Some evidence may have been admitted for a limited purpose. If so, the judge called your attention to this when the evidence was admitted. Remember that whenever evidence was admitted for a limited purpose, the jury must not consider such evidence for any purpose other than the limited purpose for which it was admitted – the judge's rulings are legal matters and are solely the judge's responsibility. The jury must not speculate as to the reason for any objection which was made, or the judge's ruling thereon, and in reaching its decision the jury may not consider such a question or exhibit or speculate as to what the answer or exhibit would have shown. Remember, a question is not evidence and should be considered only as it gives meaning to the answer.

The law does not require the jury to believe all of the evidence admitted in the course of the trial. As the sole judge of the facts, the jury must determine what evidence to believe and what weight to attach to it. In so doing, the jury brings to this courtroom all of the experience and background of the jurors' lives. There is no magical formula for evaluating testimony. In their



everyday affairs, the jurors must determine for themselves whom they believe, what they believe and how much weight they attach to what they are told. The considerations the jurors use in making the more important decisions in their everyday dealings are the same considerations they should apply in their deliberations in this case.

INSTRUCTION No. 3

The plaintiff has the burden of proof and must prove all elements of the claim by a preponderance of the evidence. The defendant has the burden of proof and must prove all elements of the affirmative defense of waiver. When the judge says that a party has the burden of proof on an element of the claim or uses the expression "if you find" or "if you decide," it means you must be persuaded that the proposition is more probably true than not true.

INSTRUCTION No. 4

In this case the parties have stipulated or agreed that the amount of damages that should be awarded, if any, will be the subject of a separate trial.

INSTRUCTION No. 5

Evidence may be either direct or circumstantial. Direct evidence is evidence that directly proves a fact. Circumstantial evidence is evidence that indirectly proves the fact, by proving one or more facts from which the fact at issue may be inferred.

The law makes no distinction between direct and circumstantial evidence as to the degree of proof required; each is accepted as a reasonable method of proof, and each is respected for such convincing force as it may carry.

INSTRUCTION No. 6

It was the duty of the defendant, before and at the time of the occurrence, to use ordinary care for the safety of the plaintiff.

INSTRUCTION No. 7

When I use the word "negligence" in these instructions, I mean the failure to use ordinary care in the management of one's property or person. The words "ordinary care" mean the care a reasonably careful person would use under circumstances similar to those shown by the



evidence. Negligence may thus consist of the failure to do something which a reasonably careful person would do, or the doing of something a reasonably careful person would not do, under circumstances similar to those shown by the evidence.

INSTRUCTION No. 8

When I use the expression "proximate cause," I mean a cause that, in natural or probable sequence, produced the injury, the loss or the damage complained of. It need not be the only cause. It is sufficient if it is a substantial factor in bringing about the injury, loss or damage. It is not a proximate cause if the injury, loss or damage likely would have occurred anyway.

There may be one or more proximate causes of an injury. When the negligent conduct of two or more persons or entities contributes concurrently as substantial factors in bringing about an injury, the conduct of each may be a proximate cause of the injury regardless of the extent to which each contributes to the injury.

INSTRUCTION No. 9

In this case, the plaintiff has asserted that defendant's conduct was negligent. To show negligence, the plaintiff has the burden of proof on each of the following propositions:

- 1) The defendant had a duty to use ordinary care for the safety of the plaintiff;
- 2) The defendant breached the duty of care by failing to take adequate safety measures by failing to place any and/or adequate warning signs regarding hazards on various ski runs, including the snowmaking equipment located on or near Crusty's Couloir;
- 3) As a result of defendant's negligence, plaintiff suffered harm; and
- 4) Defendant's negligence was the proximate cause of any and all harm suffered by plaintiff.

INSTRUCTION No. 10

In this case, the defendant has asserted the affirmative defenses of waiver and assumption of risk. On these affirmative defenses, the defendant has the burden of proof on each of the following propositions:

- 1) Plaintiff signed a waiver form knowingly and voluntarily, acknowledging and assuming any and all obvious or foreseeable risks associated with skiing at Brogus Basin Ski Resort.
- 2) Plaintiff knew or should have known about the difficulty of skiing on Crusty's Couloir and assumed the risks of skiing on that run relative to plaintiff's skill and ability.
- 3) Plaintiff was aware of the conditions when skiing on Crusty's Couloir and assumed the risk of injury.

APPENDIX A: CASE UPDATES

Q: Is it permissible for a witness to use a whiteboard along with an exhibit for demonstrative purposes?

A: It's not permissible to use a whiteboard during trial. See Rule 4.18 for more information.

Q: Is the QR code in Exhibit 11 meant to be scannable?

A: The QR code in Exhibit 11 is not meant to be scannable. It is for illustrative purposes only.

Q: Can we change the term "cat walk" to "cat track" since that is the actual skiing terminology?

A: See Stipulation 13 for more information.

Q: Is Exhibit 2 connected to Alpine Ventures or Brogus Basin or is it a standard ski chart?

A: Exhibit 2 is meant to be a standard ski chart. See Stipulation 14 for more information.

Q: Is Exhibit 2 connected to Alpine Ventures or Brogus Basin or is it a standard ski chart?

A: Exhibit 2 is meant to be a standard ski chart. See Stipulation 14 for more information.

Q: Is Exhibit 2 mentioned in the case materials any place other than exhibits section?

A: Each team is expected to determine for themselves where information is mentioned.

Q: Where is Exhibit 2 placed at the Brogus Basin resort?

A: See Stipulation 14 for information regarding Exhibit 2.