



3. Defendant Glenwood Caverns identifies a principal street address at 51000 Two Rivers Plaza Rd., Glenwood Springs, Colorado.
4. Defendant Glenwood Caverns owned/used/possessed the real property where Glenwood Caverns Adventure Park is located in Glenwood Springs, Colorado.
5. Defendant Toby Williams was an employee of Defendant Glenwood Caverns and was operating the Haunted Mine Drop on September 5, 2021.
6. Upon information and belief, Defendant Toby Williams is a resident of the state of Colorado.
7. Defendant Steve Ochoa was an employee of Defendant Glenwood Caverns and was operating the Haunted Mine Drop on September 5, 2021.
8. Upon information and belief, Defendant Steve Ochoa is a resident of the state of Colorado.
9. Defendant Soaring Eagle, Inc. (hereinafter “Soaring Eagle”) was a foreign corporation with a principal street address of 326 West 2500 North, Logan, Utah. It was the manufacturer, designer, and seller of the “Haunted Mine Drop” ride sold and installed at Defendant Glenwood Caverns.
10. Defendant Altitude Rides and Attractions, LLC (hereinafter “Altitude Rides”) is a foreign limited liability company with a principal street address of 326 West 2500 North, Logan, Utah. It is the successor entity of Defendant Soaring Eagle.
11. The Court has ruled that jurisdiction and venue are proper in Garfield County, Colorado.

### **FACTUAL ALLEGATIONS**

12. Glenwood Caverns Adventure Park is an amusement park in Glenwood Springs, Colorado which is owned, operated, managed, and controlled by Defendant Glenwood Caverns.
13. Glenwood Caverns further represents that it has a “crowd-pleasing assortment of rides” and its “high elevation thrill rides are among the most heart-pounding anywhere.”
14. One such ride is the “Haunted Mine Drop” – a drop tower style ride that uses gravity to create freefall.
15. The “Haunted Mine Drop” carries six passengers and drops 110 feet into a shaft in the ground.

16. Soaring Eagle, by and through its founder Stan Checketts, designed the Haunted Mine Drop ride.
17. Upon information and belief, Stan Checketts died on January 2, 2022.
18. Soaring Eagle sold the Haunted Mine Drop to Glenwood Caverns in 2017.
19. Altitude Rides purchased the Soaring Eagle product line and rights to the Soaring Eagle name in January 2020.
20. Glenwood Caverns invites and encourages young children to ride the Haunted Mine Drop.
21. It is very common for 6-year-old children to ride the Haunted Mine Drop.
22. Glenwood Caverns even allows young children to ride the Haunted Mine Drop alone.
23. The Glenwood Caverns height requirement for the haunted mine drop is forty-six inches.
24. The passenger cart for the Haunted Mine Drop includes six seats, each of which have two separate seatbelts.
25. When the passengers board the ride there is a floor underneath the seats.
26. When the ride is launched by the operator the floor is pulled away, causing the passengers to freefall 110 feet straight down a shaft in the ground.
27. Soaring Eagle designed the Haunted Mine Drop, including its seatbelt restraint system.
28. The restraint system includes two lap belt-style seatbelts.
29. The vast majority of drop rides in use at amusement parks utilize an over-the-shoulder restraint system.
30. Over-the-shoulder restraint systems are safer for use in drop rides than the lap belt restraint system utilized in the Haunted Mine Drop.
31. Soaring Eagle's lap belt design was defective and dangerous in that it allows passengers to sit on top of the restraints.
32. Soaring Eagle's lap belt design was defective and dangerous in that one of the seatbelts has a long tail, thereby creating confusion among riders and operators as to whether it was properly secured.
33. Soaring Eagle's lap belt design was defective and dangerous in that it is possible to lock both seatbelts when they are incorrectly positioned.

34. Soaring Eagle's restraint design was defective and dangerous in that it allows operators to manually override error indicator lights.
35. The Haunted Mine Drop should have been designed and manufactured to meet applicable ASTM (American Society for Testing and Materials) standards.
36. ASTM standards required Soaring Eagle to conduct a hazard analysis of the lap belt restraint system.
37. Soaring Eagle either failed to complete this analysis or its analysis was insufficient to address the defective and dangerous designs stated above.
38. ASTM standards required Soaring Eagle to conduct a mitigation analysis of the lap belt restraint system.
39. Soaring Eagle either failed to complete this analysis or its analysis was insufficient to mitigate the defective and dangerous designs stated above.
40. Soaring Eagle's operating manual does not instruct operators on how to properly address error indicator lights.
41. Soaring Eagle failed to provide operations maintenance manual and instructions required under ASTM.
42. Soaring Eagle's operating manual fails to sufficiently instruct operators as to their responsibility to buckle the unmonitored seatbelt across the passenger.
43. The Haunted Mine Drop ride was defective both in design and warnings.
44. If a passenger is not wearing a seatbelt when the ride deploys, the passenger will be ejected from the ride from 110 feet to their death.
45. The State of Colorado investigated the death of Wongel on the Haunted Mine Drop and issued an Accident Investigation Report.
46. Operators are responsible for fastening the two separate seatbelts prior to dispatching the ride. (Colorado Division of Oil and Public Safety Accident Investigation Report p.1) (hereinafter "Accident Investigation Report").
47. Operators are responsible for checking two separate seatbelts for each passenger prior to dispatching the ride. (Accident Investigation Report p.1).
48. Operators are required to pull the seatbelt over the passenger and insert the rod into the restraint block. (Accident Investigation Report p.7).

49. Operators are required to visually check to confirm that each passenger has a seatbelt over their lap. (Accident Investigation Report p.7).
50. The operators of the Haunted Mine Drop are required to perform this task as they are the trained professionals. (Accident Investigation Report p.8).
51. Passengers cannot be expected to know or correctly execute the safety procedures for this ride. (Accident Investigation Report p.8).
52. One of the two seatbelts for each passenger (the seatbelt with the rod) is electronically monitored. (Accident Investigation Report p.3).
53. The control panel for the Haunted Mine Drop includes a specialized touch screen (“HMI Screen”) that tells the operator about any errors with the monitored seatbelt for each passenger. (Accident Investigation Report p.3).
54. Each seat has its own set of seatbelt indicator lights on the HMI screen. (Accident Investigation Report p.3).
55. Before launching the ride, the operator is required to view the HMI screen to confirm that there are no errors with any of the seatbelts. (Accident Investigation Report p.5).
56. Glenwood Caverns knew prior to September 5, 2021, that if the ride was dispatched before a rider had been restrained with a seatbelt that rider would fall at least 110 feet to their death.
57. The operators of the haunted mine drop knew prior to September 5, 2021, that if the ride was dispatched before a rider had been restrained with a seatbelt that rider would fall at least 110 feet to their death.
58. On Sunday September 5, 2021, the Estifanos family took their first trip since the start of COVID. Wongel’s Father and Mother, Estifanos and Rahel, took Wongel and her two-year-old brother to the Glenwood Caverns Adventure Park. They were joined on the family trip by Wongel’s uncle, aunt and their young children. All paid the full admission price.
59. On September 5, 2021, Mr. Williams and Mr. Ochoa were employed by Glenwood Caverns as Haunted Mine Drop operators.
60. Wongel’s uncle eventually took Wongel, two of his own children, his wife and another relative onto the Haunted Mine Drop. They properly followed the directions given to them by Mr. Williams and Mr. Ochoa.
61. When Wongel and her family boarded the Haunted Mine Drop, Mr. Williams and Mr. Ochoa were acting within the course and scope of their employment with Glenwood Caverns.

62. When Wongel and her family boarded the Haunted Mine Drop, Mr. Williams and Mr. Ochoa were acting pursuant to the authorization of their employer Glenwood Caverns as to the manner of their actions while operating the ride.
63. When Wongel boarded the Haunted Mine Drop, she sat on top of the two lap belts.
64. Wongel's aunt specifically observed what she believed to be Mr. Williams or Mr. Ochoa buckling Wongel into the ride.
65. Mr. Williams and Mr. Ochoa went to Wongel's seat at least four times prior to launching the ride.
66. Prior to launching the ride, Mr. Williams and Mr. Ochoa knew Wongel's restraint system had a system error indicator.
67. Despite knowing Wongel's seat had a restraint system error indicator, Mr. Williams and Mr. Ochoa spent less than a combined 10 seconds over four separate trips to her seat to investigate or remedy the issue.
68. Without solving the issue, Mr. Williams and Mr. Ochoa performed a manual override of Wongel's restraint warning light.
69. Mr. Williams and Mr. Ochoa then dispatched the ride, causing the restrained passengers to fall in their seats 110 feet down the mine shaft.
70. When the ride came to a stop at the bottom of the mine shaft, Wongel's uncle checked to see whether Wongel had enjoyed the ride. He was stricken with terror to see that Wongel was not in her seat.
71. Wongel's uncle then saw Wongel's battered body at the bottom of the mine shaft. Wongel had fallen to her death, suffering numerous fractures, brain injuries and internal and external lacerations.
72. As Wongel's uncle and other relatives on the ride screamed in horror and tried to get out of the ride to run to Wongel, the ride would not release them and pulled them 110 feet back up to the top of the mine shaft

**Wongel's Death Was Caused by Reckless Acts**

73. The State of Colorado Division of Oil and Public Safety ("Colorado Investigators") investigated the death of Wongel on the Haunted Mine Drop.
74. The Colorado Investigators determined that Wongel was killed because of multiple failures by the Glenwood Caverns. (Accident Investigation Report p.9).

75. Each of those acts was reckless, as it was plainly foreseeable that the failure to properly restrain a rider would cause that rider to fall 110 feet to her death.
76. The Colorado investigators concluded that:
- a. The operators (Mr. Williams and Mr. Ochoa) were responsible for fastening and checking the two separate seatbelts that should have been around Wongel when the ride launched. (Accident Investigation Report p. 1,7,9).
  - b. Passengers cannot be expected to know or correctly execute the safety procedures for this ride. (Accident Investigation Report p.8).
  - c. The operators did not put either seatbelt over Wongel prior to deploying the ride (Accident Investigation Report p.2).
  - d. Because the operators did not fasten either seatbelt over Wongel before deploying the ride Wongel fell to the bottom of the mine shaft where she died of the injuries from the 110-foot fall. (Accident Investigation Report p. 1,2).
  - e. Before the operators deployed the ride without restraining Wongel, a warning light had alerted them that there was a problem with Wongel's seatbelt in particular (Accident Investigation Report p. 1,3,7).
  - f. After the warning light notified the operators of an error with Wongel's seatbelt in particular, the operators still failed to put either of the two seatbelts on Wongel.
  - g. Instead of placing the seatbelts on Wongel, the operators took several incorrect actions and reset the ride seatbelt monitors, which allowed them to deploy the ride with Wongel completely unrestrained. (Accident Investigation Report p. 1,5,6,9).
  - h. The operators deployed the ride with Wongel completely unrestrained, and both seatbelts underneath her. (Accident Investigation Report p. 1,5,6,9).
77. According to the Accident Investigation Report, the Glenwood Caverns' Operations Manual for the Haunted Mine Drop:
- a. failed to instruct the operators as to what each of the warning (error) lights mean;
  - b. failed to instruct the operators what to do when a warning (error) light came on;
  - c. failed to instruct the operators on the use of the HMI screen;
  - d. failed to instruct the operators as to what to do with the seatbelts between ride cycles, to ensure that the next rider did not sit on top of the belts.
- (Accident Investigation Report p. 5,6,7,8).

78. The Colorado Investigators concluded that Glenwood Caverns did not train the operators in the inherent risks of the ride, and on their responsibility for passenger safety. (Accident Investigation Report p.8)
79. The Colorado Investigators concluded that due Glenwood Caverns' failure to properly train the operators of the Haunted Mine Drop, "the operators were not equipped to operate and dispatch the ride." (Accident Investigation Report p. 8).

**Soaring Eagle and Altitude Rides Knew Before Wongel Was Killed that the Lap Belt Restraint System Used on the Haunted Mine Drop was Defective**

80. Upon information and belief, Soaring Eagle and Altitude Rides experienced a similar incident with their lap belt restraint system as occurred on the Haunted Mine Drop.
81. Upon information and belief, in 2016 a boy sat on top of the same lap belt restraint system on a ride designed, manufactured, and sold by Soaring Eagle and Altitude Rides.
82. Upon information and belief, when the boy sat on top of the lap belt restraint system, he was ejected and seriously injured.
83. Upon information and belief, neither Soaring Eagle nor Altitude Rides issued a bulletin to its customers as required by ASTM standards.
84. Upon information and belief, neither Soaring Eagle nor Altitude Rides notified Glenwood Caverns of the incident.
85. Upon information and belief, neither Soaring Eagle nor Altitude Rides changed the double seatbelt restraint system utilized on the Haunted Mine Drop.
86. Upon information and belief, neither Soaring Eagle nor Altitude Rides changed its warnings and instruction in order to avoid such incidents from happening in the future.

**Glenwood Caverns Knew Before Wongel Was Killed That The Operators Were Failing to Put Seatbelts On Some Riders**

87. Prior to dropping Wongel to her death, Glenwood Caverns had been put on notice by multiple angry and terrified customers that the operators of the ride had been prepared to launch the ride before putting the seatbelts on the riders.
88. For example, in July of 2018 Glenwood Caverns was put on notice by a terrified mother of a failure of the Haunted Mine Drop operators to put seatbelts on a rider.

89. That mother sent an email to Glenwood Caverns on July 25, 2018 reporting that when she took her 6-year-old on the Haunted Mine Drop, the operators put everyone on the ride and then left the room to deploy the ride without securing the seatbelts of a teenage boy on the ride.
90. That mother informed Glenwood Caverns in 2018 that all of the riders started screaming “wait!” “wait!” at the operators but that the operators left the room anyway.
91. That mother informed Glenwood Caverns that when the operators walked out, ignoring their cries for help, “...I sat there knowing that the floor was about to roll away with him not buckled in. I understood the ride went faster than freefall so was immediately thinking about how to try to protect my small child from what was about to be a large flailing body that was about to come crashing down onto our heads.”
92. The operators of the ride did then come back into the room and apologized and put the seatbelts on the unrestrained rider, stating that they would not start the ride without everyone buckled.
93. The General Manager of Glenwood Caverns emailed the mother back on July 25, 2018, acknowledging that they had received notice that the operators had left one of the passengers completely unbuckled.
94. The Glenwood Caverns General Manager then falsely assured the mother that the ride had a safety feature which ensured that the ride could not begin until all of the riders were restrained by seatbelts. The General Manager went on to say in July of 2018:

“I know this doesn’t excuse us from ensuring all belts have been secured and all guests are safe on this and all of our rides.”
95. The Glenwood Caverns General Manager also wrote at that time:

“I can assure you that this email will allow us to retrain and continue to assure the utmost safe operation of this ride and other aspects of the park.”

“Again I appreciate you bringing this to our attention and we will take any necessary steps to improve the safety of our operation.”
96. In August of 2019, another concerned passenger sent an email to Glenwood Caverns, putting Glenwood Caverns on notice that its operators failed to seatbelt a rider.
97. During the investigation into the death of Wongel on the Haunted Mine Drop, Colorado Investigators discovered that in August of 2019 a Haunted Mine Drop passenger had sent an email to Glenwood Caverns reporting that when they were loaded onto the ride they sat on the seatbelts, and told the operator that they were not buckled in.

98. The operator, who was prepared to launch the ride with the passenger not buckled in, argued with the passenger and insisted that the passenger was buckled in. The passenger continued to insist that he was not buckled in, and finally the operator checked further and confirmed that the passenger was not buckled in. (Accident Investigation Report p. 3,6).
99. This 2019 incident was the exact same scenario that killed Wongel in 2021: a rider sitting on the seatbelts and the operator recklessly failing to secure the seatbelts on the rider.
100. On September 10, 2021, the Colorado Investigators ordered Glenwood Caverns to produce all complaints received regarding the Haunted Mine Drop, since it began operation.
101. Glenwood Caverns did not disclose that 2019 similar failure to the Colorado Investigators. They learned of it only because after Wongel was killed, the 2019 patron sent the Garfield County Coroner a copy of the email that the patron had sent to Glenwood Caverns in 2019. (Accident Investigation Report p. 3,6).
102. When Colorado Investigators asked Glenwood Caverns whether it had received the 2019 email, Glenwood Caverns said that it had, and had not provided it to Colorado Investigators due to an issue with their email system. (Accident Investigation Report p. 3).
103. It appears that Glenwood Caverns also did not disclose to Colorado Investigators the 2018 failure to put seatbelts on a rider, despite the September 10, 2021 order from the State of Colorado to produce all prior complaints.
104. Despite knowledge in August of 2018 that the operators had failed to put the seatbelts on a rider, and the public assurance that the operators would be retrained, Glenwood Caverns elected not to properly train the operators, and to allow the Haunted Mine Drop to continue to operate in an unsafe manner.
105. The decision by Glenwood Caverns managers and employees not to make the necessary changes after the 2018 incident caused the 2019 failure to seatbelt a passenger, and eventually caused the death of Wongel.

### **Felonious Killing**

106. Plaintiffs incorporate by reference all other paragraphs as though fully set forth herein.
107. The Defendants' actions constitute a felonious killing because the Defendants recklessly caused Wongel to fall 110 feet to her death.
108. The fatal 110-foot fall was caused by multiple acts of the Defendants which constituted a reckless disregard of a substantial and unjustifiable risk that their actions would cause

death.

109. The reckless acts of the Defendants which caused Wongel to be dropped 110 feet to her death include but are not limited to:
- a. The decision to manufacture and sell a defective product in both design and warnings.
  - b. The decision not to notify and warn customers of the prior incident wherein someone was seriously injured due to the restraint system's defective design.
  - c. The decision not to place seatbelts on Wongel prior to dispatching the ride, as required by the operations manual.
  - d. The decision to dispatch the ride despite the error light warning that there was a seatbelt error in Wongel's seat.
  - e. The decision to dispatch the ride without looking at Wongel to confirm whether she was wearing the seatbelts.
  - f. The decision not to properly train operators to place seatbelts on each passenger before deploying the ride, even after Defendants were put on written notice by customers in both 2018 and 2019 that operators had been prepared to launch the ride with completely unrestrained passengers.
  - g. The decision by Defendants to operate the ride with operators who the State of Colorado determined "were not equipped to operate and dispatch the ride."
  - h. The decision of Defendants not to train operators of the ride on the meaning of the warning lights on the control screen.
  - i. The decision of Defendants not to train operators as to how to properly respond to warning lights on the control screen

WHEREFORE, Plaintiffs pray for further relief as set forth below.

**FIRST CLAIM FOR RELIEF**

**Plaintiffs against Defendants Glenwood Caverns, Williams and Ochoa  
Premises Liability – Wrongful Death**

110. Plaintiffs incorporate the previous paragraphs as fully set forth herein.
111. At all times material hereto, Defendant Glenwood Caverns was a landowner, as defined by C.R.S. § 13-21-115, of the premises where Wongel died.

112. At all times material hereto, Defendant Toby Williams was an employee of Defendant Glenwood Caverns, and specifically was an operator of the Haunted Mine Drop at the time Wongel was killed.
113. As an operator, Defendant Williams was an authorized agent of Defendant Glenwood Caverns.
114. As an operator, Defendant Williams was responsible for the activities conducted or the circumstances existing on the real property and specifically the Haunted Mine Drop.
115. At all times material hereto, Defendant Steve Ochoa was an employee of Defendant Glenwood Caverns, and specifically was an operator of the Haunted Mine Drop at the time Wongel was killed.
116. As an operator, Defendant Ochoa was an authorized agent of Defendant Glenwood Caverns.
117. As an operator, Defendant Ochoa was responsible for the activities conducted or the circumstances existing on the real property and specifically the Haunted Mine Drop.
118. On September 5, 2021, Plaintiffs and Wongel lawfully entered Glenwood Caverns Adventure Park as a paid business guest of the park.
119. At the time Wongel died, she and Plaintiffs had the status of an invitee as defined by C.R.S. § 13-21-115(5)(a).
120. Defendants owed Wongel and Plaintiffs a duty to properly restrain Wongel to the Haunted Mine Drop prior to deploying the ride.
121. Defendants Glenwood Caverns owed Wongel and Plaintiffs a duty to supervise and train operators to ensure they had a complete understanding of proper operating procedures of the Haunted Mine Drop.
122. All Defendants knew or reasonably should have known that failing to properly restrain passengers to the Haunted Mine Drop prior to deploying the ride constitutes a dangerous condition.
123. Defendants Glenwood Caverns knew or reasonably should have known that on at least two prior instances its operators failed to properly restrain passengers on the Haunted Mine Drop, resulting in a dangerous condition.
124. Defendants Glenwood Caverns knew or reasonably should have known that their failure to properly supervise and train Haunted Mine Drop operators on proper safety procedures constitutes a dangerous condition.

125. At all times material hereto, the Haunted Mine Drop constituted a dangerous condition, which created an unreasonable risk to the health or safety of Wongel which was known to exist, or should have been known to exist, in the exercise of reasonable care by Defendants. The dangerous conditions include: failing to properly restrain Wongel prior to deploying the ride; failing to follow all operating procedures prior to deploying the ride; deploying the ride when Wongel was not properly restrained; and failing to properly supervise and train its operators on safety procedures of the ride.
126. Defendants Williams and Ochoa breached their duty by recklessly failing to properly restrain Wongel to the ride before deploying it on September 5, 2021.
127. Defendants Glenwood Caverns, by and through the Haunted Mine Drop operators, breached their duty by recklessly failing to properly restrain Wongel to the ride before deploying it on September 5, 2021.
128. Defendants Williams and Ochoa breached their duty by recklessly failing to follow all operating procedures of the ride before deploying it on September 5, 2021.
129. Defendants Glenwood Caverns, by and through the Haunted Mine Drop operators, breached their duty by recklessly failing to follow all operating procedures of the ride before deploying it on September 5, 2021.
130. Defendants Williams and Ochoa breached their duty by deploying the ride when they knew or should have known Wongel was not properly restrained on September 5, 2021.
131. Defendants Glenwood Caverns, by and through the Haunted Mine Drop operators, breached their duty by deploying the ride when it knew or should have known Wongel was not properly restrained on September 5, 2021.
132. Defendants Glenwood Caverns, by and through the Haunted Mine Drop operators, breached their duty by recklessly failing to properly supervise and train its operators on safety procedures of the ride.
133. All Defendants failed to use reasonable care to protect against the dangerous conditions on the property on September 5, 2021.
134. Defendants' reckless failure to properly secure Wongel to the Haunted Mine Drop on September 5, 2021 was the direct and proximate cause of her death.
135. Defendants' reckless failure to follow all operating procedures prior to deploying the Haunted Mine Drop on September 5, 2021 was the direct and proximate cause of Wongel's death.
136. Defendant Glenwood Caverns' reckless failure to properly supervise and train its operators on safety procedures of the Haunted Mine Drop on September 5, 2021 was the direct and proximate cause of Wongel's death.

137. Defendants' reckless acts and reckless failures to act constitute gross negligence.
138. Defendants' reckless acts and reckless failures to act constitute a felonious killing.
139. Wongel is not comparatively negligent for her death.
140. Plaintiffs are not comparatively negligent for Wongel's death.
141. As a result of Defendants' reckless acts and failures to act, Plaintiffs suffered injuries, damages, and losses, including the death of their 6-year-old daughter.

**SECOND CLAIM FOR RELIEF**  
**Plaintiffs Against Defendants Soaring Eagle and Altitude Rides**  
**Negligence – Wrongful Death**

142. Plaintiffs incorporate the previous paragraphs as fully set forth herein.
143. Defendants Soaring Eagle and Altitude Rides were negligent by failing to exercise reasonable care to prevent the Haunted Mine Drop from creating an unreasonable risk of harm to the person one might reasonably be expected to ride it as it was being used in the manner Soaring Eagle and Altitude Rides reasonably expected.
144. The injuries and damages to Plaintiffs and Wongel were caused by the reckless and negligent acts and omissions of Soaring Eagle and Altitude Rides.
145. The reckless and negligent acts and omissions include and are not limited to:
  - a. Recklessly and negligently designing, manufacturing, assembling, distributing, delivering and selling the Haunted Mine Drop ride in a defective and unreasonably dangerous condition;
  - b. Recklessly and negligently failing to adequately, properly, and/or safely inspect or test the restraint system, or to make necessary corrections and adjustments, which would have revealed or remedied the dangerous condition;
  - c. Recklessly and negligently failing to discover defects in the restraint system;
  - d. Failing to provide and attach warning of the dangers associated with the restraint system;
  - e. Recklessly and negligently failing to exercise the requisite degree of care and caution in the designing, manufacturing, assembling, distributing, delivering and selling the Haunted Mine Drop;

- f. Recklessly and negligently failing to adequately design, manufacture, assemble, distribute and sell the Haunted Mine Drop in order to provide a safe product when used in a foreseeable manner;
  - g. Failing to establish warning and training programs for the use of the Haunted Mine Drop ride and its restraint system by consumers;
  - h. Recklessly and negligently failing to warn consumers of the dangerous condition of the Haunted Mine Drop ride when Soaring Eagle and Altitude Rides knew or should have known of the dangerous condition;
  - i. Recklessly and negligently failing to remove the Haunted Mine Drop ride from the market or stream of commerce when Soaring Eagle and Altitude Rides knew or should have known of the dangerous condition;
  - j. Designing, manufacturing, delivering and/or selling a drop ride with a defective restraint system; and
  - k. Failing to adequately inform or warn purchasers and end users of the Haunted Mine Drop as to the proper procedures for operating the ride.
146. Defendants' reckless acts and reckless failures to act constitute a felonious killing.
147. Wongel is not comparatively negligent for her death.
148. Plaintiffs are not comparatively negligent for Wongel's death.
149. As a result of Defendants' reckless acts and failures to act, Plaintiffs suffered injuries, damages, and losses, including the death of their 6-year-old daughter.

WHEREFORE, Plaintiffs seek economic and non-economic wrongful death damages, past and future, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, fear and anxiety, funeral and burial expenses, and financial loss. Plaintiffs further seeks a finding that the acts causing the death of Wongel Estifanos constitute a felonious killing. Plaintiffs further seek prejudgment interest, post-judgment interest, costs and attorney fees as permitted by law, and any further relief as the Court may deem just and proper.

**PLAINTIFFS REQUEST A JURY OF SIX TO HEAR ALL ISSUES IN THIS CASE**

**DATED:** April 22, 2022

Respectfully submitted,

**The Dan Caplis Law Firm, LLC**

*s/ Daniel J. Caplis*

\_\_\_\_\_ Daniel J. Caplis, #13171

Michael P. Kane, #34878

Amy Ferrin, #39310

*Attorneys for Plaintiffs*

*A duly authorized signature is on file in the offices  
of Dan Caplis Law*

**Plaintiffs' Address:**

c/o The Dan Caplis Law Firm

6400 S. Fiddler's Green Circle, Suite 2200

Greenwood Village, CO 80111