

SPECIAL REPORT

Martha, Stu and Helen Hart sue World Wrestling Federation and other associated parties

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI AT KANSAS CITY

MARTHA HART, Widow of the Deceased OWEN HART, Individually, and on Behalf of OJE EDWARD HART and ATHENA CHRISTIE HART, Minors (Address deleted)

and

STU AND HELEN MART, Parents of the Deceased, OWEN HART (Address deleted)
PLAINTIFFS,

v.

WORLD WRESTLING FEDERATION (WWF) A Division of Titan Sports, Inc. A Delaware Corporation 1241 E. Main Stamford, Connecticut 06902, Serve: Registered Agent: EPSTEIN, BECKER, GREEN, P.C. 6 Landmark Square Suite 603 Stamford, Connecticut 06901,

and

VINCENT MCMAHON, Personally, and in His Capacity as Chairman of WORLD WRESTLING FEDERATION 1241 E. Main Stamford, Connecticut 06902, and TITAN SPORTS, INC. A Delaware Corporation 1241 E. Main Stamford, Connecticut 06902, Serve: Registered Agent: EPSTEIN, BECKER, GREEN, P.C. 6 Landmark Square Suite 603 Stamford, Connecticut 06901,

and

AMSPEC, INC. A California Corporation 5917 Noble Avenue Van Nuts, California 91411-3026, serve: Registered Agent: MYLES JOHNSON 5917 Noble Avenue Van Buys, California,

and

LEWMAR, LTD. An English Corporation 1 Southmoor Lane Havant, Hampshire, England P09 1JJ
Serve: Designated English Central Authority Pursuant to Hague Convention,

and

LEWMAR MARINE, INC. A Connecticut Corporation 351 New Whitfield Guilford, Connecticut 06437, Serve: Registered Agent: PRENTICE HALL CORPORATION SYSTEMS 9400 Hungerford Street Hartford, Connecticut

and

LIFT-ALL COMPANY, INC. A Pennsylvania Corporation 102 8. Heintzelman Street Manheim, Pennsylvania 17545 Serve: Registered Agent: JEFFREY M. KLIBERT 8. Penn and W. Stiegel Streets Manheim, Pennsylvania,

and

LINDA E. MCMAHON, Personally, and in Her Capacity as President of WORLD WRESTLING FEDERATION 1241 E. Main Stamford, Connecticut 06902,

And

JAMES S. WILLIAMS (personal address deleted),

and

BOBBY TALBERT (personal address deleted),

and

MATT W. ALLMEN (personal address deleted),

and

JIM C. VINZANT (personal address deleted),

and

CITY OF KANSAS CITY, MISSOURI, as owner/operator of KEMPER ARENA Serve: Katherine Roach City Clerk 14 E. 12th Street 25th Floor Kansas City, Missouri 64106,

DEFENDANTS.

PETITION FOR DAMAGES IN WRONGFUL DEATH

(NEGLIGENCE, FAILURE TO SUPPLY SAFE EQUIPMENT, PRODUCTS LIABILITY, CONSCIOUS DISREGARD FOR HUMAN IN SAFETY)

COME NOW Plaintiffs Martha Hart, widow of the deceased, Owen Hart, individually, and as the Court-Appointed and duly authorized Next Friend for her and the deceased's minor children, Oje Edward Hart and Athena Christie Hart, and Stu and Helen Hart, parents of the deceased, and for their causes of action against defendants World Wrestling Federation, Vincent McMahon, Titan Sports, Inc., AMSPEC, Inc., Lewmar, Ltd., Lewmar Marine, Inc., Lift-All Company, Inc., Linda E. McMahon, James S. Williams, Bobby Talbert, Matt, W. Allmen, Jim C. Vinzant, and City of Kansas City, Missouri/Kemper Arena, state and allege as follows:

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PLAINTIFFS

MARTHA HART AND MINOR CHILDREN

1. Plaintiff Martha Hart is an individual residing at (address deleted). Plaintiff Martha Hart is the widow of the deceased, Owen Hart, and is the natural mother of the minor children of the deceased, Oje Edward Hart and Athena Christie Hart. Martha Hart is the representative and administratrix of the estate of Owen Hart, deceased, (address deleted).

PARENTS STU AND HELEN HART

2. Plaintiffs Stu and Helen Hart are husband and wife residing at (address deleted). They are the natural parents of the deceased, Owen Hart.

DEFENDANTS

DEFENDANT WORLD WRESTLING FEDERATION (WWF)

3. Defendant World Wrestling Federation, a/k/a WWF (hereinafter defendant WWF") is a Delaware Corporation doing business in Missouri in these United States. Service may be had on it by serving its Registered Agent, Epstein, Becker, Green, P.C., 6 Landmark Square, Suite 603, Stamford, Connecticut 06901.

4. Defendant WWF through its parent company, Titan Sports, Inc., is engaged in the packaging, scheduling, design, advertising, sale, promotion, and supervising of sports entertainment and professional wrestling matches for the ultimate sale to and pleasure for spectators and television audiences who purchase tickets and cable access for these events in the State of Missouri and elsewhere.

5. At all times material hereto, defendant WWF has advertised, promoted, sold tickets to, and delivered entertainment of this sporting event by the performance of these wrestling matches by wrestlers in the forty-eight continental states of these United States of America, including the State of Missouri. This sporting event was offered for the sole purpose of selling entertainment to the public to draw revenue. .

6. At all times material hereto defendant WWF was acting by and through its agents, servants, and/or employees, each of whom are and were acting within the course and scope of their employment with defendant.

DEFENDANT VINCENT MCMAHON

7. Defendant Vincent McMahon (hereinafter defendant Vincent McMahon) is the Owner and Chairman of Titan Sports and WWF. Service may be had on him by serving him at 1241 E. Main, Stamford, Connecticut, 06902.

8. At all times material hereto defendant McMahon was acting by and through his agents, servants, and/or employees, each of whom are acting within the course and scope of their employment with defendant.

DEFENDANT TITAN SPORTS. INC.

9. Defendant Titan Sports, Inc. (hereinafter defendant Titan Sports") is a Delaware Corporation doing business in Missouri and in these United States. Service may be had on it by serving its Registered Agent, Epstein, Becker, Green, P.C., 6 Landmark Square, Suite 603, Stamford, Connecticut 06901.

10. Titan Sports is the parent company of defendant WWF, and is engaged in the packaging, scheduling, design, advertising, sale, promotion, and supervising of sports entertainment and professional wrestling matches for the ultimate sale to and pleasure for spectators and television audiences who purchase tickets and cable access for these events in the State of Missouri and elsewhere.

11. At all times material hereto, defendant Titan Sports has advertised, promoted, sold tickets to, and delivered entertainment of this sporting event by the performance of these wrestling matches by wrestlers in the forty-eight continental states of these United States of America, including the State of Missouri. This sporting event was offered for the sole purpose of selling entertainment to the public to draw revenue.

12. At all times material hereto defendant Titan Sports was acting by and through its agents, servants, and/or employees, each of whom are and were acting within the course and scope of their employment with defendant.

DEFENDANT AMSPEC, INC.

13. Defendant AMSPEC is a California corporation and service may be had in it by serving its Registered Agent Myles Johnson at 5917 Noble Avenue, Van Nuys, California.

14. Defendant AMSPEC is engaged in the design, manufacture, assembly, labeling, advertising, sale, promotion, and/or distribution of harness systems and related component parts such as the subject harness system herein referenced for ultimate sale and/or use in the State of Missouri.

15. At all times material hereto, defendant AMSPEC sold, delivered, and/or distributed such products including the subject harness system herein referenced for ultimate sale and/or use in the forty-eight (48) continental states of these United States of America, including the State of Missouri, to be used by a foreseeable class of persons, of whom Owen Hart was a member.

16. At all times material hereto, defendant AMSPEC was acting by and through its agents, servants, and/or employers, each of whom were acting within the course and scope of their employment with defendant.

DEFENDANT LEWMAR, LTD.

17. Defendant Lewmar, Ltd. is an English corporation doing business in these United States. Service may be had at its place of business at 1 Southmoor Lane, Havant, Hampshire, England under the terms of the 1969 Hague Convention for the service of process abroad of judicial and extra-judicial documents.

18. Defendant Lewmar, Ltd. is engaged in the design, manufacture, assembly, labeling, advertising, sale, and/or distribution of harness systems and related component parts such as the subject harness system herein referenced for ultimate sale and/or use in the State of Missouri.

19. At all times material hereto, defendant Lewmar, Ltd. has sold, delivered, and/or distributed such products including the subject harness system herein referenced for ultimate sale and/or

use in the forty-eight (48) continental states of these United States of America, including the State of Missouri, to be used by a foreseeable class of persons, of whom Owen Hart was a member.

20. At all times material hereto, defendant Lewmar, Ltd. was acting by and through its agents, servants, and/or employers, each of whom were acting within the course and scope of their employment with defendant.

DEFENDANT LEWMAR MARINE INC.

21. Defendant Lewmar Marine, Inc. is a Connecticut Corporation doing business in the State of Missouri. Service may be had on its Registered Agent Prentice Hall Corporation Systems, 9400 Hungerford Street, Hartford, Connecticut.

22. Defendant Lewmar Marine, Inc. is engaged in the design, manufacture, assembly, labeling, advertising, sale, and/or distribution of harness systems and related component parts such as the subject harness system herein referenced for ultimate sale and/or use in the State of Missouri.

23. At all times material hereto, defendant Lewmar Marine, Inc. has sold, delivered, and/or distributed such products including the subject harness system herein referenced for ultimate sale and/or use in the forty-eight (48) continental states of these United States of America, including the State of Missouri, to be used by a foreseeable class of persons, of whom Owen Hart was a member.

24. At all times material hereto, defendant Lewmar Marine, Inc. was acting by and through its agents, servants, and/or employers, each of whom were acting within the course and scope of their employment with defendant.

DEFENDANT LIFT-ALL COMPANY, INC.

25. Defendant Lift-All Company, Inc. is a Pennsylvania corporation and service may be had on it by serving its Registered Agent Jeffrey Klibert, S. Penn and W. Stiegel Streets, Manheim, Pennsylvania.

26. Defendant Lift-All is engaged in the design, manufacture, assembly, labeling, advertising, sale, and/or distribution of harness systems and related component parts such as the subject harness system herein referenced for ultimate sale and/or use in the State of Missouri.

27. At all times material hereto, defendant Lift-All has sold, delivered, and/or distributed such products including the subject harness system herein referenced for ultimate sale and/or use in the forty-eight (48) continental states of these United States of America, including the State of Missouri, to be used by a foreseeable class of persons, of whom Owen Hart was a member.

28. At all times material hereto, defendant Lift-All was acting by and through its agents, servants, and/or employers, each of whom were acting within the course and scope of their employment with defendant.

DEFENDANT LINDA E. MCMAHON

29. Defendant Linda E. McMahon (hereinafter defendant McMahon") is the wife of defendant Vincent McMahon and has ownership in Titan Sports and WWF. Service may be had on her by serving her at 1241 E. Main, Stamford, Connecticut 06902.

30. At all times material hereto defendant McMahon was acting by and through her agents, servants, and/or employees, each of whom are acting within the course and scope of their employment with defendant.

DEFENDANT JAMES S. WILLIAMS

31. Defendant James S. Williams (hereinafter referred to as defendant Williams) resides at (address deleted). Service may be had on him by serving him at his residence.

32. Defendant Williams is engaged in the business of designing, installing, preparing, setting-up, providing, servicing, supplying and/or repairing harness systems, rigging apparatus and related component parts for stunt events such as referenced herein.

33. Defendant Williams designed, installed, prepared, set-up, serviced, supplied and/or repaired the subject harness system, rigging apparatus and/or related component parts sold and intended to be used by Owen Hart.

DEFENDANT BOBBY TALBERT

34. Defendant Bobby Talbert (hereinafter referred to as "defendant Talbert") resides at (address deleted). Service may be had on him by serving him at his residence.

35. Defendant Talbert is engaged in the business of designing, installing, preparing, setting-up, providing, servicing, supplying and/or repairing harness systems, rigging apparatus and related component parts for stunt events such as referenced herein.

36. Defendant Talbert designed, installed, prepared, set-up, serviced, supplied and/or repaired the subject harness system, rigging apparatus and/or related component parts sold and intended to be used by Owen Hart.

DEFENDANT MATT W. ALLMEN

37. Defendant Matt W. Allmen (hereinafter referred to as "defendant Allmen") resides at (address deleted). Service may be had on him by serving him at his residence.

38. Defendant Allmen is engaged in the business of designing, installing, preparing, setting-up, providing, servicing, supplying and/or repairing harness systems, rigging apparatus and related component parts for stunt events such as referenced herein.

39. Defendant Allmen designed, installed, prepared, set-up, serviced, supplied and/or repaired the subject harness system, rigging apparatus and/or related component parts sold and intended to be used by Owen Hart.

DEFENDANT JIM C. VINZANT

40. Defendant Jim C. Vinzant (hereinafter referred to as "defendant Vinzant") resides at (address deleted). Service may be had on him by serving him at his residence.

41. Defendant Vinzant is engaged in the business of designing, installing, preparing, setting-up, providing, servicing, supplying and/or repairing harness systems, rigging apparatus and related component parts for stunt events such as referenced herein.

42. Defendant Vinzant designed, installed, prepared, set-up, serviced, supplied and/or repaired the subject harness system, rigging apparatus and/or related component parts sold and intended to be used by Owen Hart.

DEFENDANT CITY OF KANSAS CITY, MISSOURI/KEMPER ARENA

43. Defendant City of Kansas City, Missouri is a municipal corporation of the State of Missouri, organized and existing under its constitutional charter formed pursuant to the provisions of what is now Article IV, S 19, Constitution of Missouri, 1945.

44. Defendant owns and operates Kemper Arena, a public auditorium located at 1800 Genessee, Kansas City, Missouri where the subject incident took place.

IDENTIFICATION OF DEFECTIVE EQUIPMENT

45. This fatal incident involved a harness system consisting of vest, hooks, rings, ropes, cables, racks and other rigging apparatus and related component parts used in repelling or drop-in stunt activities.

46. The subject body harness or vest and related component parts are manufactured, assembled, labeled, advertised, sold, and/or distributed by defendant AMSPEC for use in stunt/repelling events such as herein referenced.

47. Other component parts of the subject harness system consisting of snap hooks, connectors, d-rings, buckles, lanyards, webbing, and cables are manufactured, assembled, labeled, advertised, sold and/or distributed by defendants Lewmar, Ltd., Lewmar Marine, Inc. and Lift-All Co., Inc.

48. Defendants and each of them were aware of the intended use of the subject products and knew that the products would be incorporated into harness systems such as referenced herein.

JURISDICTION

49. Defendants World Wrestling Federation, Vincent McMahon, Titan Sports, Linda E. McMahon, James S. Williams, Bobby Talbert, Matt W. Allmen, and Jim C. Vinzant intended to and did conduct activity both within the State of Missouri and outside the State which had foreseeable and actionable consequences within this State so as to subject these defendants, and each of them, to personal jurisdiction within the State of Missouri.

50. Defendants AMSPEC, Lewmar, Ltd., Lewmar Marine, Inc. and Lift-All Co., Inc. sell and distribute their products and services throughout the United States, including, but not limited to various wholesalers and leasing agents knowing that their products will be sold, used, and leased in states of the United States, including the State of Missouri.

51. Defendants AMSPEC, Lewmar, Ltd., Lewmar Marine, Inc., and Lift-All Co., Inc. had a reasonable expectation that they would be hailed into any Court within these United States, including a Court in the State of Missouri, by reason of their injecting their products and services into a stream of commerce.

52. It does not offend "traditional notions of fair play and substantial justice" to require defendants AMSPEC, Lewmar, Ltd., Lewmar Marine, Inc., and Lift-All Co., Inc. to defend themselves in this forum. The contacts, ties and relations of defendants, and each of them, are sufficient to the exercise of personal jurisdiction within the Courts of the State of Missouri. Defendants AMSPEC, Lewmar, Ltd., Lewmar Marine, Inc., and Lift-All Co., Inc. engaged in a persistent course of conduct such that subjecting them to jurisdiction within the Circuit Court of Jackson County, Missouri is lawful, appropriate, and fair.

VENUE

53. Venue in the Circuit Court of Jackson County, Missouri is proper pursuant to V.A.M.8. Sec. 508.040 in that defendants AMSPEC, Lewmar, Ltd., Lewmar Marine, Inc., and Lift-All Co., Inc. initiated a flow of commerce into the State of Missouri by their knowing and intended distribution of their products, and related products, components, and services to entities located within this county. Pursuant to Sac. 508.010(6), venue in this county is proper in that the cause of action occurred in Jackson County, Missouri. In addition, Defendant City of Kansas City, Missouri is located in this county and defendant Williams resides in this county.

DATES OF ACTS AND CONDUCT COMPLAINED OF

54. On or about May 23, 1999, the deceased Owen Hart, then age 35, was in Kansas City, Jackson County, Missouri with the World Wrestling Federation for a wrestling event to be performed at the Kemper Arena, 1800 Genessee, Kansas City, Missouri 64102, a facility owned by defendant City of Kansas City, Missouri.

55. Owen Hart, a professional, internationally known wrestler, was to perform a stunt for the WWF event on May 23, 1999 which involved his being lowered from the ceiling of Kemper Arena seventy-eight (78') down to the center ring of the auditorium.

56. On the night of the event, at approximately 7:40 p.m., Mr. Hart was told to climb the ladder to the pre-chosen repelling site on the catwalk scaffolding approximately seventy-eight feet (78') above the center of the arena floor. Mr. Hart was then placed into the repelling harness system.

57. Mr. Hart was then directed to walk around to the outside of the scaffolding, step over a railing and position himself to be lowered.

58. Mr. Hart was then lowered a short distance prior to beginning the full decent. Mr. Hart removed his hands from the scaffold railing. The harness system and related components then failed, causing Mr. Hart to free fall seventy-eight feet (78') towards the center arena and the wrestling mat. -.

59. Mr. Hart struck the ring ropes and landed on the wrestling mat.

60. As a direct result of this incident, and the negligence of the defendants, and each of them, Mr. Owen Hart was caused to die.

PLAINTIFFS' INJURIES AND DAMAGES

61. As a direct and proximate result of the defendants' design, manufacture, sale, shipment, distribution, maintenance, service, repair, operation, ownership, leasing, and transfer of the subject harness system and related component parts in a dangerous and defective condition, Owen Hart was killed. By virtue of his untimely death, Plaintiffs are lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiffs have been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

62. Plaintiffs further claim such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which

entitle Plaintiffs to punitive damages to punish the defendants, and each of them and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had he lived.

DEFENDANTS' CONSCIOUS AND RECKLESS DISREGARD FOR HUMAN SAFETY

63. Plaintiffs further claim punitive and exemplary damages to include, but not limited to, the wanton, willful, callous, reckless, and depraved conduct of defendants which entitles Plaintiffs to punitive damages to punish the defendants and to deter future wrongdoing, in that the acts and omissions of defendants have manifested such reckless and complete indifference to and conscious disregard for human safety that the decedent would have been entitled to punitive damages had he lived.

64. Defendants, and each of them, have now and did have at all times material hereto actual knowledge as to the negligence, recklessness, and gross misconduct as stated herein. By their acts and omission defendants have demonstrated a complete indifference to the safety of others including Owen Hart.

65. Defendants, and each of them, promoted and directly participated in a sports entertainment spectacle designed and intended solely to maximize profits to World Wrestling Federation, Titan Sports, Vincent McMahon, and each of the other named defendants and, in so doing, sacrificed and ignored proper, ordinary, customary and usual safety precautions which are deemed necessary in the performance of theatrical stunts, such as the failed stunt at issue herein, and thereby continued to pursue a course of reckless conduct and callous action which did ignore human safety and caused and directly contributed to cause the death of Owen Hart.

66. The state of mind of defendants, and each of them, demonstrated a callous disregard for safety by exposing the Plaintiffs' deceased to an unreasonable, irrational, and inappropriate degree of risk without any commensurate or countervailing benefit other than the continued profit and revenue generated to World Wrestling Federation, Titan Sports, Vincent McMahon, Linda McMahon and the remaining defendants. For all of these reasons, defendants World Wrestling Federation, Titan Sports, Vincent McMahon, Linda McMahon and the remaining defendants should be subject to punitive damages in such sum as will serve to punish them and to deter them and others in the sports entertainment industry from engaging in such similar unsafe, offensive, and inappropriate conduct in the future and which would, thereby, measurably enhance the safety of performers participating in such events.

COUNT I

(NEGLIGENCE -- FAILURE OF DEFENDANT WORLD WRESTLING FEDERATION TO USE ORDINARY CARE TO PROVIDE PROPER EQUIPMENT AND PERSONNEL FOR THE SAFETY OF OWEN HART)

COME NOW Plaintiffs, as heretofore set out, and for Count I of their causes of action against defendant World Wrestling Federation allege and state as follows:

67. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 66, inclusive of this Petition for Damages.

68. Defendant World Wrestling Federation provided harness systems, rigging apparatus and other related component parts for use in WWF events.

69. Defendant World Wrestling Federation had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances when providing equipment for use during its events.

70. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced or maintained by defendant World Wrestling Federation were defective and otherwise flawed when put under normal usage.

71. Defendant World Wrestling Federation knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly provide, supply, repair, service, and/or maintain said harness systems.

72. Defendant World Wrestling Federation was negligent in the following respects:

(a) Defendant World Wrestling Federation provided a flawed harness system, rigging apparatus and related component parts thereof;

(b) Defendant World Wrestling Federation failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant World Wrestling Federation failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant World Wrestling Federation failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant World Wrestling Federation failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant World Wrestling Federation failed to provide life lines and lanyards that would automatically limit free fall distances;

(g) Defendant World Wrestling Federation failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant World Wrestling Federation was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

73. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant World Wrestling Federation as further set out above.

74. The aforementioned acts by defendant World Wrestling Federation showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant World Wrestling Federation for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT II

(NEGLIGENCE -- FAILURE OF DEFENDANT WORLD WRESTLING FEDERATION TO TAKE SPECIAL PRECAUTIONS WHEN CONDUCTING INHERENTLY DANGEROUS ACTIVITY)

COME NOW Plaintiffs, as heretofore set out, and for Count II of their causes of action against defendant World Wrestling Federation allege and state as follows:

75. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 74, inclusive of this Petition for Damages. .

76. Defendant World Wrestling Federation's repelling or drop-in stunts were an inherently dangerous activity in that it necessarily presented a substantial risk of harm unless adequate precautions were taken.

77. Defendant World Wrestling Federation had a non-delegable duty to independently provide for the safety of the deceased, Owen Hart.

78. During these activities, such as the subject incident herein, defendant World Wrestling Federation, by and through its agents, assigns, contractors, and delegates was negligent in one or more of the following respects:

(a) Defendant World Wrestling Federation failed to take the necessary and adequate precautions which were designed to address the nature of the risk;

(b) Defendant World Wrestling Federation failed to have a safety net;

(c) Defendant World Wrestling Federation failed to have a safety harness;

(d) Defendant World Wrestling Federation failed to provide backup cables and/or life lines and lanyards; and

(e) Defendant World Wrestling Federation failed to have a safety lock on the release mechanism; and

(f) Defendant World Wrestling Federation failed to provide a harness system, and related component parts that were compatible with its hardware.

79. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant World Wrestling Federation as further set out above.

80. The aforementioned acts by defendant World Wrestling Federation showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant World Wrestling Federation for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT III

(NEGLIGENCE -- ENDANGERMENT AND FAILURE TO WARN OF DEFENDANT WORLD WRESTLING FEDERATION)

COME NOW Plaintiffs, as heretofore set out, and for Count III of their causes of action against defendant World Wrestling Federation allege and state as follows:

81. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 80, inclusive of this Petition for Damages. -

82. Defendant World Wrestling Federation provided the equipment, including the subject harness system, rigging apparatus and other related component parts for use in stunts and other activities during WWF events.

83. Defendant World Wrestling Federation had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances.

84. Defendant World Wrestling Federation promoted and produced events which required the performance of dangerous and life threatening stunts for the benefit of defendant.

85. The aforesaid harness system, rigging apparatus and related component parts provided by defendant World Wrestling Federation were then in a defective condition, unreasonably, dangerous when put to their reasonably anticipated uses.

86. Defendant World Wrestling Federation failed to properly and adequately notify, inform, or warn its users, particularly Owen Hart, of the dangers and defects aforementioned.

87. As a direct and proximate result of the lack of warning by defendant World Wrestling Federation of the dangerous conditions as existed in the harness system, rigging apparatus and related component parts, Owen Hart was caused to die.

88. The aforementioned acts by defendant World Wrestling Federation showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant World Wrestling Federation for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT IV

(NEGLIGENCE -- VICARIOUS LIABILITY OF DEFENDANT WORLD WRESTLING FEDERATION FOR DEFENDANTS WILLIAMS, TALBERT, ALLMEN AND VINZANT'S FAILURE TO USE ORDINARY CARE)

COME NOW Plaintiffs, as heretofore set out, and for Count IV of their causes of action against defendant World Wrestling Federation allege and state as follows:

89. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 88, inclusive of this Petition for Damages.

90. Defendant World Wrestling Federation had a duty to possess and use the highest degree of care that a very careful and prudent business would use under the same or similar circumstances.

91. Defendants Williams, Talbert, Allmen and Vinzant had a duty to use that degree of care that ordinarily careful and prudent riggers or people in their profession would use under the same or similar circumstances.

92. Defendant World Wrestling Federation is vicariously liable for any and all actions of defendants Williams, Talbert, Allmen, and Vinzant by reason of its principal/agent, employer/employee relationship with these defendants.

93. Defendant World Wrestling Federation had a non-delegable duty to independently provide for the safety of the deceased, Owen Hart.

94. Defendant World Wrestling Federation is vicariously liable for the negligence and carelessness of defendants Williams, Talbert, Allmen and Vinzant as follows:

(a) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly, designed, installed, prepared and/or set-up the subject harness system, rigging apparatus and related component parts;

(b) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly supplied a flawed harness system;

(c) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly serviced or repaired the subject harness system; and

(d) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly failed to warn the deceased, Owen Hart of the flawed harness system.

95. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendants Williams, Talbert,

Allmen and Vinzant for which defendant World Wrestling Federation is vicariously liable.

WHEREFORE, Plaintiffs pray judgment against defendant World Wrestling Federation for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT V

(NEGLIGENCE -- DEFENDANT WORLD WRESTLING FEDERATION'S FAILURE TO PROPERLY TRAIN AND SUPERVISE)

COME NOW Plaintiffs, as heretofore set out, and for Count V of their causes of action against defendant World Wrestling Federation allege and state as follows:

96. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 95, inclusive of this Petition for Damages.

97. Defendant World Wrestling Federation provided the equipment, including the subject harness system, rigging apparatus and other related component parts, for use in stunts and other activities during World Wrestling Federation events.

98. Defendant World Wrestling Federation failed to properly train, teach, instruct, educate, and prepare its users, including Owen Hart, of the application limits of the equipment and proper hook-up anchoring, and tie-off techniques, and methods of inspection and/or testing.

99. Defendant World Wrestling Federation failed to oversee and/or supervise the training of its users, including Owen Hart.

100. As a direct and proximate result of the lack of training, preparation and instruction and the failure to oversee the training and use of the equipment provided by defendant World Wrestling Federation, Owen Hart was caused to die.

101. The aforementioned acts by defendant World Wrestling Federation showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant World Wrestling Federation for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT VI

(NEGLIGENCE -- DEFENDANT WORLD WRESTLING FEDERATION'S SUPPLYING OWEN KART WITH DANGEROUS AND UNSAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count VI of their causes of action against defendant World Wrestling Federation allege and state as follows:

102. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 101, inclusive of this Petition for Damages.

103. Defendant World Wrestling Federation provided harness systems, rigging apparatus and other related component parts for their use in World Wrestling Federation events.

104. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced, or maintained by defendant World Wrestling Federation were defective and otherwise flawed when put under normal use as follows:

(a) Defendant World Wrestling Federation provided a flawed harness system, rigging apparatus and related component parts thereof;

(b) Defendant World Wrestling Federation failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant World Wrestling Federation failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant World Wrestling Federation failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant World Wrestling Federation failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant World Wrestling Federation failed to provide life lines and lanyards that would automatically limit free fall distances;

(g) Defendant World Wrestling Federation failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant World Wrestling Federation was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

105. The subject harness system, rigging apparatus and related component parts were put to a reasonably expected use.

106. Defendant World Wrestling Federation had no reason to believe that those for whose use the subject harness system, rigging apparatus, and related component parts was supplied, including Owen Hart, would realize the dangerous condition.

107. Defendant World Wrestling Federation knew or had information from which defendant, in the exercise of ordinary care, that degree of care that an ordinarily careful person would use under the same or similar circumstances, should have known of such dangerous condition.

108. Defendant World Wrestling Federation failed to adequately warn Owen Hart of such dangerous condition.

109. Defendant World Wrestling Federation was thereby negligent.

110. As a direct and proximate result of such negligence, the deceased Owen Hart was caused to die.

WHEREFORE, Plaintiffs pray judgment against defendant World Wrestling Federation for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT VII

(NEGLIGENCE -- FAILURE OF DEFENDANT VINCENT MCMAHON TO USE ORDINARY CARE TO PROVIDE PROPER EQUIPMENT AND PERSONNEL FOR THE SAFETY OF OWEN HART)

COME NOW Plaintiffs, as heretofore set out, and for Count VII of their causes of action against this defendant allege and state as follows:

111. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 110, inclusive of this Petition for Damages.

112. Defendant Vincent McMahon, as owner of WWF and Titan Sports required the performance of dangerous and life-threatening stunts for the benefit of defendant.

113. Defendant World Wrestling Federation provided harness systems, rigging apparatus and other related component parts for their use in WWF events.

114. Defendant Vincent McMahon had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances when providing for use during its events.

115. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced or maintained by defendant Vincent McMahon were defective and otherwise flawed when put under normal usage.

116. Defendant Vincent McMahon knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly provide, supply, repair, service, and/or maintain said harness systems.

117. Defendant Vincent McMahon was negligent in the following respects:

(a) Defendant World Wrestling Federation provided a flawed harness system, rigging apparatus and related component parts thereof;

(b) Defendant World Wrestling Federation failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant World Wrestling Federation failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant World Wrestling Federation failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant World Wrestling Federation failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant World Wrestling Federation failed to provide lifelines and lanyards that would automatically limit free fall distances;

(g) Defendant World Wrestling Federation failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant World Wrestling Federation was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

118. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant Vincent McMahon as further set out above.

119. The aforementioned acts by defendant Vincent McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT VIII

(NEGLIGENCE -- FAILURE DEFENDANT VINCENT MCMAHON TO TAKE SPECIAL PRECAUTIONS WHEN CONDUCTING INHERENTLY DANGEROUS ACTIVITY)

COME NOW Plaintiffs, as heretofore set out, and for Count VIII of their causes of action against defendant Vincent McMahon allege and state as follows:

120. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 120, inclusive of this Petition for Damages.

121. Defendant Vincent McMahon's repelling or drop-in stunts were an inherently dangerous activity in that it necessarily presented a substantial risk of harm unless adequate precautions were taken.

122. Defendant Vincent McMahon had a non-delegable duty to independently provide for the safety of the deceased, Owen Hart.

123. During these activities, such as the subject incident herein, defendant Vincent McMahon, by and through its agents, assigns, contractors, and delegates was negligent in one or more of the following respects:

(a) Defendant Vincent McMahon failed to take the necessary and adequate precautions which were designed to address the nature of the risk;

(b) Defendant Vincent McMahon failed to have a safety net;

(c) Defendant Vincent McMahon failed to have a safety harness;

(d) Defendant Vincent McMahon failed to provide backup cables and/or lifelines and lanyards;

(e) Defendant Vincent McMahon failed to have a safety lock on the release mechanism; and

(f) Defendant Vincent McMahon failed to provide a harness system and related component parts that were compatible with its hardware.

124. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant Vincent McMahon as further set out above.

125. The aforementioned acts by defendant Vincent McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Vincent McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT IX

(NEGLIGENCE -- ENDANGERMENT AND FAILURE TO WARN OF DEFENDANT VINCENT MCMAHON)

COME NOW Plaintiffs, as heretofore set out, and for Count IX of their causes of action against defendant Vincent McMahon allege and state as follows:

126. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 125, inclusive of this Petition for Damages.

127. Defendant Vincent McMahon provided the equipment, including the subject harness system, rigging apparatus and other related component parts for use in stunts and other activities during WWF events.

128. Defendant Vincent McMahon had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances.

129. Defendant Vincent McMahon promoted and produced events which required the performance of dangerous and life threatening stunts for the benefit of defendant.

130. The aforesaid harness system, rigging apparatus and related component parts provided by defendant Vincent McMahon were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

131. Defendant Vincent McMahon failed to properly and adequately notify, inform, or warn its users of the dangers and defects aforementioned.

132. As a direct and proximate result of the lack of warning by defendant Vincent McMahon of the dangerous conditions as existed in the harness system, rigging apparatus and related component parts, Owen Hart was caused to die.

133. The aforementioned acts by defendant Vincent McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Vincent McMahon for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT X

(NEGLIGENCE -- VICARIOUS LIABILITY OF DEFENDANT VINCENT MCMAHON FOR NEGLIGENCE OF WILLIAMS, TALBERT, ALLMEN AND VINZANT)

COME NOW Plaintiffs, as heretofore set out, and for Count X of their causes of action against defendant Vincent McMahon allege and state as follows:

134. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 133, inclusive of this Petition for Damages.

135. Defendant Vincent McMahon had a duty to possess and use the highest degree of care that a very careful and prudent business would use under the same or similar circumstances.

136. Defendants Williams, Talbert, Allmen and Vinzant had a duty to use that degree of care that ordinarily careful and prudent riggers or people in their profession would use under the same or similar circumstances.

137. Defendant Vincent McMahon is vicariously liable for any and all actions of defendants Williams, Talbert, Allmen, and Vinzant by reason of its principal/agent, employer/employee relationship with these defendants.

138. Accordingly, defendant Vincent McMahon is vicariously liable for the negligence and carelessness of defendants Williams, Talbert, Allmen and Vinzant as follows:

- (a) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly designed, installed, prepared and/or set-up the subject harness system, rigging apparatus and related component parts;
- (b) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly supplied a flawed harness system;
- (c) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly serviced or repaired the subject harness system; and
- (d) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly failed to warn.

139. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendants Williams, Talbert, Allmen and Vinzant for which defendant Vincent McMahon is vicariously liable.

WHEREFORE, Plaintiffs pray judgment against defendant Vincent McMahon for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XI

(NEGLIGENCE -- DEFENDANT VINCENT MCMAHON -- FAILURE TO PROPERLY TRAIN AND SUPERVISE)

COME NOW Plaintiffs, as heretofore set out, and for Count XI of their causes of action against defendant Vincent McMahon allege and state as follows:

140. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 139, inclusive of this Petition for Damages.

141. Defendant Vincent McMahon provided the equipment, including the subject harness system, rigging apparatus and other related component parts, for use in stunts and other activities during World Wrestling Federation events.

142. Defendant Vincent McMahon failed to properly train, teach, instruct, educate, and prepare its users including Owen Hart of the application limits of the equipment and proper hook-up anchoring and tie-off techniques, and methods of inspection.

143. Defendant McMahon failed to oversee and/or supervise the training of its users, including Owen Hart.

144. As a direct and proximate result of the lack of training, preparation and instruction and the failure to oversee and supervise the training and use of the equipment provided by defendant Vincent McMahon, Owen Hart was caused to die.

145. The aforementioned acts by defendant Vincent McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Vincent McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XII

(NEGLIGENCE -- DEFENDANT VINCENT MCMAHON'S SUPPLYING OWEN HART WITH DANGEROUS AND UNSAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XII of their causes of action against defendant Vincent McMahon allege and state as follows:

146. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 145, inclusive of this Petition for Damages.

147. Defendant Vincent McMahon provided harness systems, rigging apparatus and other related component parts for their use in World Wrestling Federation events.

148. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced, or maintained by defendant Vincent McMahon were defective and otherwise flawed when put under normal use as follows:

(a) Defendant Vincent McMahon provided a flawed harness system, rigging apparatus and related component parts thereof; (b) Defendant Vincent McMahon failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant Vincent McMahon failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant Vincent McMahon failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant Vincent McMahon failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant Vincent McMahon failed to provide life lines and lanyards that would automatically limit free fall distances; (g) Defendant World Wrestling Federation failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant Vincent McMahon was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

149. The subject harness system, rigging apparatus and related component parts were put to a reasonably expected use.

150. Defendant Vincent McMahon had no reason to believe that those for whose use the subject harness system, rigging apparatus, and related component parts was supplied, including Owen Hart, would realize the dangerous condition.

151. Defendant Vincent McMahon knew or had information from which defendant, in the exercise of ordinary care, that degree of care that an ordinarily careful person would use under the same or similar circumstances, should have known of such dangerous condition.

152. Defendant Vincent McMahon failed to adequately warn Owen Hart of such dangerous condition.

153. Defendant Vincent McMahon was thereby negligent.

154. As a direct and proximate result of such negligence, the deceased Owen Hart was caused to die.

WHEREFORE, Plaintiffs pray judgment against defendant Vincent McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XIII

(NEGLIGENCE -- FAILURE OF DEFENDANT TITAN SPORTS TO USE ORDINARY CARE TO PROVIDE PROPER EQUIPMENT AND PERSONNEL FOR THE SAFETY OF OWEN HART)

COME NOW Plaintiffs, as heretofore set out, and for Count XIII of their causes of action against defendant Titan Sports allege and state as follows:

155. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 154 inclusive of this Petition for Damages.

156. Defendant Titan Sports provided harness systems, rigging apparatus and other related component parts for their use in World Wrestling Federation events.

157. Defendant Titan Sports had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances when providing for use during its events.

158. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced or maintained by defendant Titan Sports were defective and otherwise flawed when put under normal usage.

159. Defendant Titan Sports knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly provide, supply, repair, service, and/or maintain said harness systems.

160. Defendant Titan Sports was negligent in the following respects:

(a) Defendant Titan Sports provided a flawed harness system, rigging apparatus and related component parts thereof;

(b) Defendant Titan Sports failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant Titan Sports failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant Titan Sports failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant Titan Sports failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant Titan Sports failed to provide lifelines and lanyards that would automatically limit free fall distances;

(g) Defendant Titan Sports failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant Titan Sports was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

161. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant Titan Sports as further set out above.

162. The aforementioned acts by defendant Titan Sports showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Titan Sports for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XIV

(NEGLIGENCE -- FAILURE OF DEFENDANT TITAN SPORTS TO TAKE SPECIAL PRECAUTIONS WHEN CONDUCTING INHERENTLY DANGEROUS ACTIVITY)

COME NOW Plaintiffs, as heretofore set out, and for Count XIV of their causes of action against defendant Titan Sports allege and state as follows:

163. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 162, inclusive of this Petition for Damages.

164. Defendant Titan Sports's repelling or drop-in stunts were an inherently dangerous activity in that it necessarily presented a substantial risk of harm unless adequate precautions were taken.

165. Defendant Titan Sports had a non-delegable duty to independently provide for the safety of the deceased, Owen Hart.

166. During these activities, such as the subject incident herein, defendant Titan Sports, by and through its agents, assigns, contractors, and delegates was negligent in one or more of the following respects:

- (a) Defendant Titan Sports failed to take the necessary and adequate precautions which were designed to address the nature of the risk;
- (b) Defendant Titan Sports failed to have a safety net;
- (c) Defendant Titan Sports failed to have a safety harness;
- (d) Defendant Titan Sports failed to provide backup cables and/or lifelines and lanyards; and (e) Defendant Titan Sports failed to have a safety lock on the release mechanism; and
- (f) Defendant Titan Sports failed to provide a harness system, and related component parts that were compatible with its hardware.

167. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant Titan Sports as further set out above.

168. The aforementioned acts by defendant Titan Sports showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Titan Sports for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XV

(NEGLIGENCE -- ENDANGERMENT AND FAILURE TO WARN OF DEFENDANT TITAN SPORTS)

COME NOW Plaintiffs, as heretofore set out, and for Count XV of their causes of action against defendant Titan Sports allege and state as follows:

169. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 168, inclusive of this Petition for Damages.

170. Defendant Titan Sports provided the equipment, including the subject harness system, rigging apparatus and other related component parts for use in stunts and other activities during WWF events.

171. Defendant Titan Sports had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances.

172. Defendant Titan Sports promoted and produced events which required the performance of dangerous and life threatening stunts for the benefit of defendant.

173. The aforesaid harness system, rigging apparatus and related component parts provided by defendant Titan Sports were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

174. Defendant Titan Sports failed to properly and adequately notify, inform, or warn its users of the dangers and defects aforementioned.

175. As a direct and proximate result of the lack of warning by defendant Titan Sports of the dangerous conditions as existed in the harness system, rigging apparatus and related component parts, Owen Hart was caused to die.

176. The aforementioned acts by defendant Titan Sports showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Titan Sports for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XVI

(NEGLIGENCE -- VICARIOUS LIABILITY OF DEFENDANT TITAN SPORTS FOR NEGLIGENCE OF WILLIAMS TALBERT, ALLMEN AND VINZANT)

COME NOW Plaintiffs, as heretofore set out, and for Count XVI of their causes of action against defendant Titan Sports allege and state as follows:

177. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 176, inclusive of this Petition for Damages.

178. Defendant Titan Sports had a duty to possess and use the highest degree of care that a very careful and prudent business would use under the same or similar circumstances.

179. Defendants Williams, Talbert, Allmen and Vinzant had a duty to use that degree of care that ordinarily careful and prudent riggers or people in their profession would use under the same or similar circumstances.

180. Defendant Titan Sports is vicariously liable for any and all actions of defendants Williams, Talbert, Allmen, and Vinzant by reason of its principal/agent, employer/employee relationship with these defendants.

181. Defendant Titan Sports had a non-delegable duty to independently provide for the safety of the deceased, Owen Hart.

182. Defendant Titan Sports is vicariously liable for the negligence and carelessness of Williams, Talbert, Allmen and Vinzant as follows:

(a) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly designed, installed and/or prepared and set-up the subject harness system, rigging apparatus and related component parts;

(b) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly supplied a subject harness system;

(c) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly serviced or repaired the flawed harness system; and

(d) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly failed to warn.

183. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendants Williams, Talbert, Allmen and Vinzant for which defendant Titan Sports is vicariously liable.

WHEREFORE, Plaintiffs pray judgment against defendant Titan Sports for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XVII

(NEGLIGENCE -- DEFENDANT TITAN SPORTS' FAILURE TO PROPERLY TRAIN AND SUPERVISE)

COME NOW Plaintiffs, as heretofore set out, and for Count XVII of their causes of action against defendant Titan Sports allege and state as follows:

184. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 183, inclusive of this Petition for Damages.

185. Defendant Titan Sports provided the equipment, including the subject harness system, rigging apparatus and other related component parts, for use in stunts and other activities during World Wrestling Federation events.

186. Defendant Titan Sports failed to properly train, teach, instruct, educate, and prepare its users, including Owen Hart, of the application limits of the equipment and proper hook-up anchoring, and tie-off techniques, and methods of inspection and/or testing.

187. Defendant Titan Sports failed to oversee and/or supervise the training of its users, including Owen Hart.

188. As a direct and proximate result of the lack of training, preparation and instruction and the failure to oversee the training and use of the equipment provided by defendant Titan Sports, Owen Hart was caused to die.

189. The aforementioned acts by defendant Titan Sports showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Titan Sports for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XVIII

(NEGLIGENCE -- DEFENDANT TITAN SPORTS' SUPPLYING OWEN HART WITH DANGEROUS AND UNSAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XVIII of their causes of action against defendant Titan Sports

Allege and state as follows:

190. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 189, inclusive of this Petition for Damages.

191. Defendant Titan Sports provided harness systems, rigging apparatus and other related component parts for their use in Titan Sports events.

192. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced, or maintained by defendant Titan Sports were defective and otherwise flawed when put under normal use as follows:

(a) Defendant Titan Sports provided a flawed harness system, rigging apparatus and related component parts thereof;

(b) Defendant Titan Sports failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant Titan Sports failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant Titan Sports failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant Titan Sports failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant Titan Sports failed to provide life lines and lanyards that would automatically limit free fall distances;

(g) Defendant Titan Sports failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant Titan Sports was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

193. The subject harness system, rigging apparatus and related component parts were put to a reasonably expected use.

194. Defendant Titan Sports had no reason to believe that those for whose use the subject harness system, rigging apparatus, and related component parts was supplied, including Owen Hart, would realize the dangerous condition.

195. Defendant Titan Sports knew or had information from which defendant, in the exercise of ordinary care, that degree of care that an ordinarily careful person would use under the same or similar circumstances, should have known of such dangerous condition.

196. Defendant Titan Sports failed to adequately warn Owen Hart of such dangerous condition.

197. Defendant Titan Sports was thereby negligent.

198. As a direct and proximate result of such negligence, the deceased Owen Hart was caused to die.

WHEREFORE, Plaintiffs pray judgment against defendant Titan sports for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XIX

(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE BY DEFENDANT AMSPEC)

COME NOW Plaintiffs, as heretofore set out, and for Count XIX of their causes of action against defendant AMSPEC allege and state as follows:

199. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 198, inclusive of this Petition for Damages.

200. Defendant AMSPEC designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, and rigging apparatus and/or related component parts used therein, in the course of its business.

201. The aforesaid harness system and rigging apparatus and related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

(a) Defendant AMSPEC failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;

(b) Defendant AMSPEC failed to have a snaphook sized compatible with the member to which it was connected preventing unintentional disengagement of the snaphook;

(c) Defendant AMSPEC failed to provide a snaphook that was proper for the purpose based on strength testing requirements;

(d) Defendant AMSPEC failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;

(e) Defendant AMSPEC failed to design a body harness in a manner to distribute fall arrest forces; and

(f) Defendant AMSPEC was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

202. The aforesaid harness system was used in a manner reasonably anticipated by this defendant and others.

203. Plaintiffs as heretofore set forth suffered damages as a direct and proximate result of said defective condition as existed when the harness system was sold by this defendant resulting in the death of Owen Hart.

204. The aforementioned acts by defendant AMSPEC showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages. WHEREFORE, Plaintiffs pray judgment against defendant AMSPEC for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XX

(STRICT LIABILITY -- SALE, SUPPLY. AND DISTRIBUTION OF DEFECTIVE EQUIPMENT BY DEFENDANT AMSPEC)

COME NOW Plaintiffs, as heretofore set out, and for Count XX of their causes of action against defendant AMSPEC allege and state as follows:

205. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 204, inclusive of this Petition for Damages.

206. Defendant AMSPEC designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned harness system, rigging apparatus and other related component parts in the course of their business.

207. The subject harness system, etc. was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

208. The aforesaid harness system, etc. was used in a manner reasonably anticipated by this defendant and others.

209. Plaintiffs as heretofore set forth were damaged as a direct result of the subject harness system, etc. being sold in a defective condition unreasonably dangerous which resulted in the death of Owen Hart. WHEREFORE, Plaintiffs pray judgment against defendant AMSPEC for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXI

(NEGLIGENCE -- FAILURE OF DEFENDANT AMSPEC TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE SAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXI of their causes of action against this defendant allege and state as follows:

210. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 209, inclusive of this Petition for Damages.

211. Defendant AMSPEC designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, etc. used therein in the course of its business.

212. Defendant AMSPEC held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell harness systems rigging apparatus and related component parts thereof.

213. Defendant AMSPEC had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of harness systems, etc. and component parts would use under the same or similar circumstances.

214. The harness systems, etc. and related component parts designed, manufactured, and sold by defendant AMSPEC were defective and otherwise flawed which had the effect of creating a dangerous condition to its users.

215. Defendant AMSPEC knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe harness systems, etc.

216. Defendant AMSPEC was negligent in the following respects:

- (a) Defendant AMSPEC failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;
- (b) Defendant AMSPEC failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;
- (c) Defendant AMSPEC failed to provide a snaphook that was proper for the purpose based on strength testing requirements;

(d) Defendant AMSPEC failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;

(e) Defendant AMSPEC failed to design a body harness in a manner to distribute fall arrest forces; and

(f) Defendant AMSPEC was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

217. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant AMSPEC as further set out above.

218. The aforementioned acts by defendant AMSPEC showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant AMSPEC for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXII

(NEGLIGENCE -- FAILURE TO WARN ON THE PART OF DEFENDANT AMSPEC)

COME NOW Plaintiffs, as heretofore set out, and for Count XXII of their causes of action against defendant AMSPEC allege and state as follows:

219. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 218, inclusive of this Petition for Damages.

220. Defendant AMSPEC designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, rigging apparatus and/or related component parts used therein, in the course of its business.

221. The aforementioned harness system, etc. used therein was then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

222. Defendant AMSPEC failed to properly and adequately notify, inform, or warn customers or users of the dangers and defects.

223. The harness assembly, etc. was used by the deceased in a manner reasonably anticipated by defendant AMSPEC.

224. As a direct and proximate result of the lack of warning of the dangerous conditions as existed when the harness system, etc. was sold by defendant AMSPEC, Owen Hart was caused to die.

225. The aforesaid acts of by defendant AMSPEC showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant AMSPEC for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXIII

(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE BY DEFENDANT LEWMAR, LTD.)

COME NOW Plaintiffs, as heretofore set out, and for Count XXIII of their causes of action against defendant Lewmar, Ltd. allege and state as follows:

226. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 225, inclusive of this Petition for Damages.

227. Defendant Lewmar, Ltd. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system and rigging apparatus and/or related component parts used therein, in the course of its business.

228. The aforesaid harness system and rigging apparatus and/or related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

- (a) Defendant Lewmar, Ltd. failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;
- (b) Defendant Lewmar, Ltd. failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;
- (c) Defendant Lewmar, Ltd. failed to provide a snaphook that was proper for the purpose based on strength testing requirements;
- (d) Defendant Lewmar, Ltd. failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;
- (e) Defendant Lewmar, Ltd. failed to design a body harness in a manner to distribute fall arrest forces; and
- (f) Defendant Lewmar, Ltd. was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

229. The aforesaid harness system was used in a manner reasonably anticipated by this defendant and others.

230. Plaintiffs as heretofore set forth suffered damages as a direct and proximate result of said defective condition as existed when the harness system was sold by this defendant resulting in the death of Owen Hart.

231. The aforementioned acts by defendant Lemar, Ltd. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiff pray judgment against defendant Lewmar, Ltd. for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXIV

(STRICT LIABILITY -- BALE, SUPPLY. AND DISTRIBUTION OF DEFECTIVE EQUIPMENT BY DEFENDANT LEWMAR. LTD.)

COME NOW Plaintiffs, as heretofore set out, and for Count XXIV of their causes of action against defendant Lewmar, Ltd. allege and state as follows: 232. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 231, inclusive of this Petition for Damages.

233. Defendant Lewmar, Ltd. designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned harness system and rigging apparatus and other related component parts in the course of their business.

234. The subject harness system, etc. was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

235. The aforesaid harness system, etc. was used in a manner reasonably anticipated by this defendant and others.

236. Plaintiffs as heretofore set forth were damaged as a direct result of the subject harness system, etc. being sold in a defective condition unreasonably dangerous which resulted in the death of Owen Hart.

237. The aforementioned acts by defendant Lewmar, Ltd. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar, Ltd. for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXV

(NEGLIGENCE -- FAILURE OF DEFENDANT LEWMAR. LTD. TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE SAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXV of their causes of action against this defendant allege and state as follows:

238. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 237, inclusive of this Petition for Damages.

239. Defendant Lewmar, Ltd. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, etc. and/or related component parts used therein in the course of its business.

240. Defendant Lewmar, Ltd. held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell harness systems, etc.

241. Defendant Lewmar, Ltd. had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of harness systems, etc. and component parts would use under the same or similar circumstances.

242. The harness systems, etc. and related component parts designed, manufactured, and sold by defendant Lewmar, Ltd. were defective and otherwise flawed which had the effect of creating a dangerous condition to its users by allowing the harness system to unlock.

243. Defendant Lewmar, Ltd. knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe harness systems, etc.

244. Defendant Lewmar, Ltd. was negligent in the following respects:

(a) Defendant Lewmar, Ltd. failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;

(b) Defendant Lewmar, Ltd. failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;

(c) Defendant Lewmar, Ltd. failed to provide a snaphook that was proper for the purpose based on strength testing requirements; -

(d) Defendant Lewmar, Ltd. failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;

(e) Defendant Lewmar, Ltd. failed to design a body harness in a manner to distribute fall arrest forces; and

(f) Defendant Lewmar, Ltd. was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

245. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Lewmar, Ltd. as further set out above.

246. The aforesaid acts by defendant Lewmar, Ltd. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar, Ltd. for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXVI

(NEGLIGENCE -- FAILURE TO WARN ON THE PART OF DEFENDANT LEWMAR. LTD.)

COME NOW Plaintiffs, as heretofore set out, and for Count XXVI of their causes of action against defendant Lewmar, Ltd. allege and state as follows:

247. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 246, inclusive of this Petition for Damages.

248. Defendant Lewmar, Ltd. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, rigging apparatus and/or related component parts used therein, in the course of its business.

249. The aforesaid harness system, etc. used therein was then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

250. Defendant Lewmar, Ltd. failed to properly and adequately notify, inform, or warn customers or users of the dangers and defects.

251. The harness assembly, etc. was used by the deceased in a manner reasonably anticipated by defendant Lewmar, Ltd.

252. As a direct and proximate result of the lack of warning of the dangerous conditions as existed when the harness system, etc. was sold by defendant Lewmar, Ltd., Owen Hart was caused to die.

253. The aforesaid acts of by defendant Lewmar, Ltd. should complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar, Ltd. for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXVII

(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE BY DEFENDANT LEWMAR MARINE, INC.)

COME NOW Plaintiffs, as heretofore set out, and for Count XXVII of their causes of action against defendant Lewmar Marine, Inc. allege and state as follows:

254. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 253, inclusive of this Petition for Damages.

255. Defendant Lewmar Marine, Inc. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system and rigging apparatus and/or related component parts used therein, in the course of its business.

256. The aforesaid harness system and rigging apparatus and/or related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

(a) Defendant Lewmar Marine, Inc. failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;

(b) Defendant Lewmar Marine, Inc. failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;

(c) Defendant Lewmar Marine, Inc. failed to provide a snaphook that was proper for the purpose based on strength testing requirements;

(d) Defendant Lewmar Marine, Inc. failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;

(e) Defendant Lewmar Marine, Inc. failed to design a body harness in a manner to distribute fall arrest forces; and

(f) Defendant Lewmar Marine, Inc. was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

257. The aforesaid harness system was used in a manner reasonably anticipated by this defendant and others.

258. Plaintiffs as heretofore set forth suffered damages as a direct and proximate result of said defective condition as existed when the harness system was sold by this defendant resulting in the death of Owen Hart.

259. The aforementioned acts by defendant Lewmar, Ltd. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar Marine, Inc. for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXVIII

(STRICT LIABILITY -- SALE, SUPPLY, AND DISTRIBUTION OF DEFECTIVE EQUIPMENT BY DEFENDANT LEWMAR MARINE, INC.)

COME NOW Plaintiffs, as heretofore set out, and for Count XXVIII of their causes of action against defendant Lewmar Marine, Inc. allege and state as follows:

260. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 259, inclusive of this Petition for Damages.

261. Defendant Lewmar Marine, Inc. designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned harness system and rigging apparatus and other related component parts in the course of their business.

262. The subject harness system, etc. was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

263. The aforesaid harness system, etc. was used in a manner reasonably anticipated by this defendant and others.

264. Plaintiffs as heretofore set forth were damaged as a direct result of the subject harness system, etc. being sold in a defective condition unreasonably dangerous which resulted in the death of Owen Hart.

265. The aforementioned acts by defendant Lewmar Marine, Inc. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar Marine, Inc. for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXIX

(NEGLIGENCE -- FAILURE OF DEFENDANT LEWMAR MARINE, INC. TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE SAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXIX of their causes of action against this defendant allege and state as follows:

266. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 265, inclusive of this Petition for Damages.

267. Defendant Lewmar Marine, Inc. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, etc. and/or related component parts used therein in the course of its business.

268. Defendant Lewmar Marine, Inc. held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell harness systems, etc.

269. Defendant Lewmar Marine, Inc. had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of harness systems, etc. and component parts would use under the same or similar circumstances.

270. The harness systems, etc. and related component parts designed, manufactured, and sold by defendant Lewmar Marine, Inc. were defective and otherwise flawed which had the effect of creating a dangerous condition to its users by allowing the harness system to unlock.

271. Defendant Lewmar Marine, Inc. knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe harness systems, etc.

272. Defendant Lewmar Marine, Inc. was negligent in the following respects:

(a) Defendant Lewmar Marine, Inc. failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;

- (b) Defendant Lewmar Marine, Inc. failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;
- (c) Defendant Lewmar Marine, Inc. failed to provide a snaphook that was proper for the purpose based on strength testing requirements;
- (d) Defendant Lewmar Marine, Inc. failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;
- (e) Defendant Lewmar Marine, Inc. failed to design a body harness in a manner to distribute fall arrest forces; and
- (f) Defendant Lewmar Marine, Inc. was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

273. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Lewmar Marine, Inc. as further set out above.

274. The aforementioned acts by defendant Lewmar Marine, Inc. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar Marine, Inc. for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXX

(NEGLIGENCE -- FAILURE TO WARN ON THE PART OF DEFENDANT LEWMAR MARINE, INC.)

COME NOW Plaintiffs, as heretofore set out, and for Count XXX of their causes of action against defendant Lewmar Marine, Inc. allege and state as follows:

275. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 274 inclusive of this Petition for Damages.

276. Defendant Lewmar Marine, Inc. designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, rigging apparatus and/or related component parts used therein, in the course of its business.

277. The aforementioned harness system, etc. used therein was then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

278. Defendant Lewmar Marine, Inc. failed to properly and adequately notify, inform, or warn customers or users of the dangers and defects.

279. The harness assembly, etc. was used by the deceased in a manner reasonably anticipated by defendant Lewmar Marine, Inc.

280. As a direct and proximate result of the lack of warning of the dangerous conditions as existed when the harness system, etc. was sold by defendant Lewmar Marine, Inc., Owen Hart was caused to die.

281. The aforesaid acts of by defendant Lewmar Marine, Inc. should complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

282. The aforementioned acts by defendant Lewmar Marine, Inc. showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lewmar Marine, Inc. for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXI

(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE BY DEFENDANT LIFT-ALL)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXI of their causes of action against defendant Lift-All allege and state as follows:

283. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 282 inclusive of this Petition for Damages.

284. Defendant Lift-All designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, and rigging apparatus and/or related component parts used therein, in the course of its business.

285. The aforesaid harness system and rigging apparatus and related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

(a) Defendant Lift-All failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;

(b) Defendant Lift-All failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;

(c) Defendant Lift-All failed to provide a snaphook that was proper for the purpose based on strength testing requirements;

(d) Defendant Lift-All failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;

(e) Defendant Lift-All failed to design a body harness in a manner to distribute fall arrest forces; and

(f) Defendant Lift-All was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

286. The aforesaid harness system was used in a manner reasonably anticipated by this defendant and others.

287. Plaintiffs as heretofore set forth suffered damages as a direct and proximate result of said defective condition as existed when the harness system was sold by this defendant resulting in the death of Owen Hart.

288. The aforementioned acts by defendant Lift-All showed complete indifference to and a conscious disregard for the safety

of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lift-All for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXII

(STRICT LIABILITY -- SALE, SUPPLY, AND DISTRIBUTION OF DEFECTIVE" EQUIPMENT BY DEFENDANT LIFT-ALL)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXII of their causes of action against defendant Lift-All allege and state as follows:

289. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 288 inclusive of this Petition for Damages.

290. Defendant Lift-All designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned harness system, rigging apparatus and other related component parts in the course of their business.

291. The subject harness system, etc. was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

292. The aforesaid harness system, etc. was used in a manner reasonably anticipated by this defendant and others.

293. Plaintiffs as heretofore set forth were damaged as a direct result of the subject harness system, etc. being sold in a defective condition unreasonably dangerous which resulted in the death of Owen Hart.

294. The aforementioned acts by defendant Lift-All showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lift-All for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXIII

(NEGLIGENCE -- FAILURE OF DEFENDANT LIFT-ALL TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE SAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXIII of their causes of action against this defendant allege and state as follows:

295. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 294 inclusive of this Petition for Damages.

296. Defendant Lift-All designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, etc. used therein in the course of its business.

297. Defendant Lift-All held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell harness systems rigging apparatus and related component parts thereof.

298. Defendant Lift-All had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of harness systems, etc. and component parts would use under the same or similar circumstances.

299. The harness systems, etc. and related component parts designed, manufactured, and sold by defendant Lift-All were defective and otherwise flawed which had the effect of creating a dangerous condition to its users.

300. Defendant Lift-All knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe harness systems, etc.

301. Defendant Lift-All was negligent in the following respects:

- (a) Defendant Lift-All failed to have a locking snaphook which would have prevented rollout or disengagement of the snaphook;
- (b) Defendant Lift-All failed to have a snaphook sized compatible with the member to which it was connective preventing unintentional disengagement of the snaphook;
- (c) Defendant Lift-All failed to provide a snaphook that was proper for the purpose based on strength testing requirements;
- (d) Defendant Lift-All failed to use a harness system, rigging apparatus and related component parts that matched the particular situation of Owen Hart;
- (e) Defendant Lift-All failed to design a body harness in a manner to distribute fall arrest forces; and
- (f) Defendant Lift-All was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

302. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Lift-All as further set out above.

303. The aforementioned acts by defendant Lift-All showed complete indifference to and a conscious disregard for the safety

of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lift-All for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXIV

(NEGLIGENCE -- FAILURE TO WARN ON THE PART OF DEFENDANT LIFT-ALL)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXVI of their causes of action against defendant Lift-All allege and state as follows:

304. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 303 inclusive of this Petition for Damages.

305. Defendant Lift-All designed, manufactured, assembled, supplied, distributed, or sold the aforementioned harness system, rigging apparatus and/or related component parts used therein, in the course of its business.

306. The aforementioned harness system, etc. used therein was then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

307. Defendant Lift-All failed to properly and adequately notify, inform, or warn customers or users of the dangers and defects.

308. The harness assembly, etc. was used by the deceased in a manner reasonably anticipated by defendant Lift-All.

309. As a direct and proximate result of the lack of warning of the dangerous conditions as existed when the harness system, etc. was sold by defendant Lift-All, Owen Hart was caused to die.

310. The aforesaid acts of by defendant Lift-All showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Lift-All for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXV

(NEGLIGENCE -- FAILURE OF DEFENDANT LINDA MCMAHON TO USE ORDINARY CARE TO PROVIDE PROPER EQUIPMENT AND PERSONNEL FOR THE SAFETY OF OWEN HART)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXV of their causes of action against this defendant allege and state as follows:

311. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 310 inclusive of this Petition for Damages.

312. Defendant Linda McMahon, as owner of WWF and Titan Sports required the performance of dangerous and life-threatening stunts for the benefit of defendant.

313. Defendant Linda McMahon provided harness systems, rigging apparatus and other related component parts for their use in WWF events.

314. Defendant Linda McMahon had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances when providing for use during its events.

315. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced or maintained by defendant Linda McMahon were defective and otherwise flawed when put under normal usage.

316. Defendant Linda McMahon knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly provide, supply, repair, service, and/or maintain said harness systems.

317. Defendant Linda McMahon was negligent in the following respects:

(a) Defendant Linda McMahon provided a flawed harness system, rigging apparatus and related component parts thereof;

(b) Defendant Linda McMahon failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;

(c) Defendant Linda McMahon failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;

(d) Defendant Linda McMahon failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant Linda McMahon failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant Linda McMahon failed to provide lifelines and lanyards that would automatically limit free fall distances;

(g) Defendant Linda McMahon failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant Linda McMahon was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

318. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant Linda McMahon as further set out above.

319. The aforementioned acts by defendant Linda McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Linda McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXVI

(NEGLIGENCE -- FAILURE DEFENDANT LINDA MCMAHON TO TAKE SPECIAL PRECAUTIONS WHEN CONDUCTING INHERENTLY DANGEROUS ACTIVITY)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXVI of their causes of action against defendant Linda McMahon allege and state as follows:

320. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 319 inclusive of this Petition for Damages.

321. Defendant Linda McMahon's repelling or drop-in stunts were an inherently dangerous activity in that it necessarily presented a substantial risk of harm unless adequate precautions were taken.

322. Defendant Linda McMahon had a non-delegable duty to independently provide for the safety of the deceased, Owen Hart.

323. During these activities, such as the subject incident herein, defendant Linda McMahon, by and through its agents, assigns, contractors, and delegates was negligent in one or more of the following respects:

(a) Defendant Linda McMahon failed to take the necessary and adequate precautions which were designed to address the nature of the risk;

(b) Defendant Linda McMahon failed to have a safety net;

(c) Defendant Linda McMahon failed to have a safety harness;

(d) Defendant Linda McMahon failed to provide backup cables and/or lifelines and lanyards;

(e) Defendant Linda McMahon failed to have a safety lock on the release mechanism; and

(f) Defendant Linda McMahon failed to provide a harness system and related component parts that were compatible with its hardware.

324. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant Linda McMahon as further set out above.

325. The aforementioned acts by defendant Linda McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Linda McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXVII

(NEGLIGENCE -- ENDANGERMENT AND FAILURE TO WARN OF DEFENDANT LINDA MCMAHON)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXVII of their causes of action against defendant Linda McMahon allege and state as follows:

326. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 325 inclusive of this Petition for Damages.

327. Defendant Linda McMahon provided the equipment, including the subject harness system, rigging apparatus and other related component parts for use in stunts and other activities during WWF events.

328. Defendant Linda McMahon had a duty to use that degree of care that an ordinarily careful and prudent business would use under the same or similar circumstances.

329. Defendant Linda McMahon promoted and produced events which required the performance of dangerous and life threatening stunts for the benefit of defendant.

330. The aforesaid harness system, rigging apparatus and related component parts provided by defendant Linda McMahon were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses.

331. Defendant Linda McMahon failed to properly and adequately notify, inform, or warn its users of the dangers and defects aforementioned.

332. As a direct and proximate result of the lack of warning by defendant Linda McMahon of the dangerous conditions as existed in the harness system, rigging apparatus and related component parts, Owen Hart was caused to die.

333. The aforementioned acts by defendant Linda McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Linda McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXVIII

(NEGLIGENCE -- VICARIOUS LIABILITY OF DEFENDANT LINDA MCMAHON FOR NEGLIGENCE OF WILLIAMS, TALBERT, ALLMEN AND VINZANT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXVIII of their causes of action against defendant Linda McMahon allege and state as follows:

334. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 333 inclusive of this Petition for Damages.

335. Defendant Linda McMahon had a duty to possess and use the highest degree of care that a very careful and prudent business would use under the same or similar circumstances.

336. Defendants Williams, Talbert, Allmen and Vinzant had a duty to use that degree of care that ordinarily careful and prudent riggers or people in their profession would use under the same or similar circumstances.

337. Defendant Linda McMahon is vicariously liable for any and all actions of defendants Williams, Talbert, Allmen, and Vinzant by reason of its principal/agent, employer/employee relationship with these defendants.

338. Accordingly, defendant Linda McMahon is vicariously liable for the negligence and carelessness of defendants Williams, Talbert, Allmen and Vinzant as follows:

(a) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly designed, installed, prepared and/or set-up the subject harness system, rigging apparatus and related component parts;

(b) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly supplied a flawed harness system; (c) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly serviced or repaired the subject harness system; and

(d) Defendants Williams, Talbert, Allmen and Vinzant negligently and carelessly failed to warn. 339. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendants Williams, Talbert, Allmen and Vinzant for which defendant Linda McMahon is vicariously liable.

WHEREFORE, Plaintiffs pray judgment against defendant Linda McMahon for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXIX

(NEGLIGENCE -- DEFENDANT LINDA MCMAHON'S FAILURE PROPERLY TO TRAIN AND SUPERVISE)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXIX of their causes of action against defendant Linda McMahon allege and state as follows:

340. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 339, inclusive of this Petition for Damages.

341. Defendant Linda McMahon failed to properly train, teach, instruct, educate, and prepare its users, including Owen Hart, of the application limits of the equipment and proper hook-up anchoring, and tie-off techniques, and methods of inspection.

342. Defendant Linda McMahon failed to oversee and/or supervise the training of its users, including Owen Hart.

343. As a direct and proximate result of the lack of training, preparation and instruction and the failure to oversee the training and use of the equipment provided by defendant Linda McMahon, Owen Hart was caused to die.

344. The aforementioned acts by defendant Linda McMahon showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Linda McMahon for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXX

(NEGLIGENCE -- DEFENDANT LINDA MCMAHON 'B SUPPLYING OWEN HART WITH DANGEROUS AND UNSAFE EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXX of their causes of action against defendant Linda McMahon allege and state as follows:

345. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 344, inclusive of this Petition for Damages.

346. Defendant Linda McMahon provided harness systems, rigging apparatus and other related component parts for their use in Linda McMahon events.

347. The harness system, rigging apparatus and related component parts provided, supplied, repaired, serviced, or maintained by defendant Linda McMahon were defective and otherwise flawed when put under normal use as follows:

- (a) Defendant Linda McMahon provided a flawed harness system, rigging apparatus and related component parts thereof;
- (b) Defendant Linda McMahon failed to properly repair, service and maintain the harness system, rigging apparatus and related component parts;
- (c) Defendant Linda McMahon failed to properly install or assemble the harness system, rigging apparatus and component parts as heretofore described;
- (d) Defendant Linda McMahon failed to properly inspect and examine the subject harness system and component parts thereof prior to use by the decedent;

(e) Defendant Linda McMahon failed to provide the direction and supervision of qualified persons to design, install, prepare and set-up harness systems, rigging apparatus and related component parts;

(f) Defendant Linda McMahon failed to provide life lines and lanyards that would automatically limit free fall distances;

(g) Defendant Linda McMahon failed to provide a harness system and related component parts that were compatible with its hardware; and

(h) Defendant Linda McMahon was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

348. The subject harness system, rigging apparatus and related component parts were put to a reasonably expected use.

349. Defendant Linda McMahon had no reason to believe that those for whose use the subject harness system, rigging apparatus, and related component parts was supplied, including Owen Hart, would realize the dangerous condition.

350. Defendant Linda McMahon knew or had information from which defendant, in the exercise of ordinary care, that degree of care that an ordinarily careful person would use under the same or similar circumstances, should have known of such dangerous condition.

351. Defendant Linda McMahon failed to adequately warn Owen Hart of such dangerous condition.

352. Defendant Linda McMahon was thereby negligent.

353. As a direct and proximate result of such negligence, the deceased Owen Hart was caused to die.

WHEREFORE, Plaintiffs pray judgment against defendant Linda McMahon for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXXI

(NEGLIGENCE -- FAILURE OF DEFENDANT JAMES S. WILLIAMS TO USE ORDINARY CARE TO PREPARE, INSTALL, MAINTAIN AND TEST EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXXI of their causes of action against this defendant allege and state as follows:

354. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 353, inclusive of this Petition for Damages.

355. Defendant Williams held himself out as an individual who could carefully and competently prepare, install, set-up, provide, maintain, service and/or repair harness systems, rigging apparatus and related component parts in the course of his business.

356. Defendant Williams had a duty to use that degree of care that an ordinarily careful and prudent person would use in his business under the same or similar circumstances.

357. The harness system, rigging apparatus and/or related component parts supplied, provided, installed, serviced, repaired and/or rigged by defendant Williams were defective and otherwise flawed when put to its normal and anticipated use.

358. Defendant Williams knew or by using ordinary care should have known of the potential of such dangerous conditions as was created by his failure to properly rig, prepare, install, supply, service, and/or repair said harness system.

359. Accordingly, defendant Williams was negligent in the following respects:

(a) Defendants Williams negligently and carelessly prepared, installed and/or set-up the subject harness system, rigging apparatus and related component parts;

(b) Defendant Williams negligently and carelessly supplied a subject harness system;

(c) Defendant Williams negligently and carelessly serviced or repaired the subject harness system;

(d) Defendant Williams negligently and carelessly failed to warn Owen Hart of the flawed harness system; and

(e) Defendant Williams was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

360. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Williams as further set out above.

361. The aforementioned acts by defendant Williams showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Williams for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXXII

(NEGLIGENCE -- FAILURE OF DEFENDANT BOBBY TALBERT TO USE ORDINARY CARE TO PREPARE, INSTALL, MAINTAIN AND TEST EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXXII of their causes of action against this defendant allege and state as follows:

362. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 361, inclusive of this Petition for Damages.

363. Defendant Talbert held himself out as an individual who could carefully and competently prepare, install, set-up, provide, maintain, service and/or repair harness systems, rigging apparatus and related component parts in the course of his business.

364. Defendant Talbert had a duty to use that degree of care that an ordinarily careful and prudent person would use in his business under the same or similar circumstances.

365. The harness system, rigging apparatus and/or related component parts supplied, provided, serviced, repaired, prepared and/or rigged by defendant Talbert were defective and otherwise flawed when put to its normal and anticipated use.

366. Defendant Talbert knew or by using ordinary care should have known of the potential of such dangerous conditions as was created by his failure to properly rig, prepare, install, supply, service, and/or repair said harness system.

367. Accordingly Defendant Talbert was negligent in the following respects:

(a) Defendant Talbert negligently and carelessly prepared, installed, and/or and set-up the subject harness system, rigging apparatus and related component parts;

(b) Defendant Talbert negligently and carelessly supplied a subject harness system;

(c) Defendant Talbert negligently and carelessly serviced or repaired the flawed harness system;

(d) Defendant Talbert negligently and carelessly failed to warn Owen Hart of the flawed harness system; and

(e) Defendant Talbert was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

368. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Talbert as further set out above.

369. The aforementioned acts by defendant Talbert showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Talbert for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXXIII

(NEGLIGENCE -- FAILURE OF DEFENDANT MATT W. ALLMEN TO USE ORDINARY CARE TO PREPARE, INSTALL, MAINTAIN AND TEST EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXXIII of their causes of action against this defendant allege and state as follows:

370. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 369, inclusive of this Petition for Damages.

371. Defendant Allmen held himself out as an individual who could carefully and competently prepare, install, set-up, provide, service, maintain, service and/or repair harness systems, rigging apparatus and related component parts in the course of his business.

372. Defendant Allmen had a duty to use that degree of care that an ordinarily careful and prudent person would use in his business under the same or similar circumstances.

373. The harness system, rigging apparatus and/or related component parts supplied, provided, installed, serviced, repaired, and/or rigged by defendant Allmen were defective and otherwise flawed when put to its normal and anticipated use.

374. Defendant Allmen knew or by using ordinary care should have known of the potential of such dangerous conditions as was created by his failure to properly rig, prepare, install, supply, service, and/or repair said harness system.

375. Accordingly Defendant Allmen was negligent in the following respects:

(a) Defendant Allmen negligently and carelessly prepared, installed, and/or set-up the subject harness system, rigging apparatus and related component parts;

(b) Defendant Allmen negligently and carelessly supplied a flawed harness system;

(c) Defendant Allmen negligently and carelessly serviced or repaired the subject harness system;

(d) Defendant Allmen negligently and carelessly failed to warn Owen Hart of the flawed harness system; and

(e) Defendant Allmen was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

376. Plaintiffs' deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Allmen as further set out above.

377. The aforementioned acts by defendant Allmen showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Allmen for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XXXXIV

(NEGLIGENCE -- FAILURE OF DEFENDANT JIM C. VINZANT TO USE ORDINARY CARE TO PREPARE, INSTALL, MAINTAIN AND TEST EQUIPMENT)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXXIV of their causes of action against this defendant allege and state as follows:

378. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 377, inclusive of this Petition for Damages.

379. Defendant Vinzant held himself out as an individual who could carefully and competently prepare, install, provide, maintain, service and/or repair harness systems, rigging apparatus and related component parts in the course of his business.

380. Defendant Vinzant had a duty to use that degree of care that an ordinarily careful and prudent person would use in his business under the same or similar circumstances.

381. The harness system, rigging apparatus and/or related component parts supplied, provided, installed, serviced, repaired, and/or rigged by defendant Vinzant were defective and otherwise flawed when put to its normal and anticipated use.

382. Defendant Vinzant knew or by using ordinary care should have known of the potential of such dangerous conditions as was created by his failure to properly rig, prepare, install, supply, service, and/or repair said harness system.

383. Accordingly, Defendant Vinzant was negligent in the following respects:

- (a) Defendant Vinzant negligently and carelessly prepared, installed, and/or set-up the subject harness system, rigging apparatus and related component parts;
- (b) Defendant Vinzant negligently and carelessly supplied a flawed harness system;
- (c) Defendant Vinzant negligently and carelessly serviced or repaired the subject harness system;
- (d) Defendant Vinzant negligently and carelessly failed to warn Owen Hart of the flawed harness system; and

(e) Defendant Allmen was negligent in further particulars unknown to Plaintiffs, but which will become known during the course of discovery.

384. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Vinzant as further set out above.

385. The aforementioned acts by defendant Vinzant showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant Vinzant for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXV

(NEGLIGENCE -- DEFENDANT CITY OF KANSAS CITY, MISSOURI/REMPER ARENA -- INHERENTLY DANGEROUS ACTIVITY)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXV of their causes of action against this defendant allege and state as follows:

386. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 385, inclusive of this Petition for Damages.

387. Defendant City of Kansas City, Missouri/Kemper Arena had a legal responsibility and duty, by and through its City officials and other pertinent departments responsible for maintaining the safety of its invitees, such as the deceased, Owen Hart, to insure the safety of its invitees.

388. Defendant City/Kemper allowed, promoted, supervised and participated in repelling or drop-in stunts at the Kemper Arena, a public auditorium.

389. These repelling or drop-in stunts are an inherently dangerous activity in that it necessarily presents a substantial risk of harm unless adequate precautions are taken.

390. During these activities, such as the subject incident herein, defendant City of Kansas City, Missouri/Kemper Arena was negligent in one or more of the following respects:

- (a) Defendant City of Kansas City, Missouri/Kemper Arena failed to take the necessary and adequate precautions which were designed to address the nature of the risk;
- (b) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a safety net;
- (c) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a safety harness;
- (d) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a backup harness and cable; and
- (e) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a safety lock on the release mechanism.

391. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant City of Kansas City, Missouri/Kemper Arena as further set out above.

WHEREFORE, Plaintiffs pray judgment against defendant City/Kemper for damages as follows:

- (A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiffs' costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXXVI

(NEGLIGENCE -- FAILURE OF DEFENDANT CITY OF KANSAS CITY, MISSOURI/REMPER ARENA TO USE ORDINARY CARE)

COME NOW Plaintiffs, as heretofore set out, and for Count XXXVI of their causes of action against this defendant allege and state as follows:

392. Plaintiffs hereby incorporate by reference, as though fully set out herein, paragraphs 1 through 391, inclusive of this Petition for Damages.

393. Defendant City of Kansas City, Missouri/Kemper Arena had duty to possess and use that degree of care that an ordinarily careful and prudent city, by and through its city officials and presented a substantial risk of harm unless adequate precautions were taken.

396. Accordingly, defendant City of Kansas City, Missouri/Kemper Arena by and through its agents, assigns, employees, contractors, workers and others, was negligent in one or more of the following respects:

(a) Defendant City of Kansas City, Missouri/Kemper Arena failed to take the necessary and adequate precautions which were designed to address the nature of the risk;

(b) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a safety net;

(c) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a safety harness;

(d) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a backup harness and cable; and

(e) Defendant City of Kansas City, Missouri/Kemper Arena failed to have a safety lock on the release mechanism.

397. Owen Hart was killed as a direct and proximate result of the negligence and carelessness of defendant City of Kansas City, Missouri/Kemper Arena as further set out above.

398. The aforesaid acts by defendant City of Kansas City, Missouri/Kemper Arena showed complete indifference to and a conscious disregard for the safety of others, especially Owen Hart, thereby entitling Plaintiffs to exemplary and punitive damages.

WHEREFORE, Plaintiffs pray judgment against defendant City/Kemper for damages as follows:

(A) For actual damages such as are fair and reasonable for the wrongful death of Owen Hart;

(B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

(C) For Plaintiffs' costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

Respectfully submitted, ROBB & ROBB LLC

DEMAND FOR JURY TRIAL Plaintiffs demand trial by jury of the issues herein.