



CONFERENCE: Nov. 15-18, 2021
TRADE SHOW: Nov. 16-19, 2021

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Faced with a Lawsuit: The Importance of Frontline Training

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- Jerry Landers- Jerry A. Landers, Jr. Attorney at Law
 - Joshua Greer- Moyes Sellers & Hendricks
 - Drew Tewksbury- Director of Sales & Marketing
McGowan Allied Specialty Insurance
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Jerry A. Landers, Jr



- Specialties- Probate & Estate Litigation, Guardianships, Conservatorships & Incompetency Proceedings, and General Civil & Commercial Litigation
- J.D. Emory University Atlanta, Georgia 1984
- Authored the Roller Skating Safety Act of 1993 in Georgia.

Joshua T. Greer

- Native Of Arizona
- Specialties- Commercial Litigation, Insurance and liability, real estate & title insurance
- J.D. William & Mary Law School, Williamsburg, VA, 2007
- Board Member- IALDA 2019-present
- Administrative Board Member



Drew Tewksbury

- BS Sport Marketing & Management Indiana University
- Created, led & grew several of the amusement industry's most successful insurance & risk management programs
- A technically trained insurance professional



The Indefensible Case

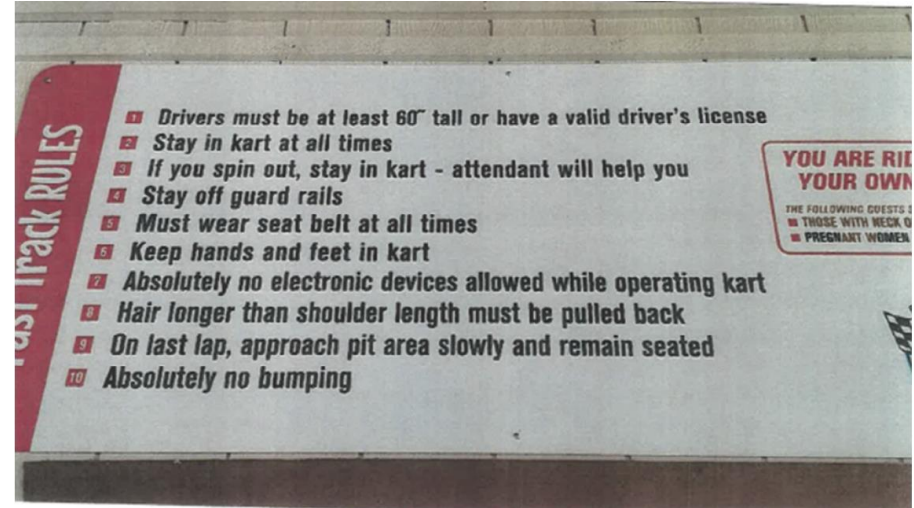
- Business has proper safeguards against lawsuits
 - Waivers
 - Policies/ Procedures
 - Safe Equipment
- Accident occurs when employee does not follow the company's policies/ procedures
- When an employee violates the policies/ procedures, the case becomes indefensible. The policies/ procedures become the evidence presented against the business

Examples



Minor Plaintiff v. White Mountain

- November 11, 2017
- Minor plaintiff and her family were riding go-karts
- Plaintiff failed to tie her hair above the shoulder prior to using the go-kart
- While driving, plaintiff's extremely long hair caught on the engine and caused major damage, scalping her.



11-11-2017 Sat 12:11:56

Fast Lane 1

11-11-2017 Sat 12:13:12

Fast Lane 1

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Fast Lane 2

Minor Plaintiff v. White Mountain

- Discussion
 - What went wrong?
 - What could the business had done better?

Minor Plaintiff v. Skating Company

- March 16, 2016
- Plaintiff was skating at Skating Company
- Plaintiff alleges another skater pushed his “Skate Mate” into Plaintiff’s path causing her to fall and fracture her left wrist.
- Manager failed to save video of incident
- Manager failed to complete accident report



Minor Plaintiff v. Skating Company

- Discussion
 - What went wrong?
 - What could the business have done better?

Plaintiff v. Zipline Company

- Plaintiff is a large man.
- Zipline Company has a 300 lb. weight restriction.
- Plaintiff told Zipline Company he weighed weighed 298 lbs.
- Zipline Company noticed Plaintiff struggled with the first portion of the course.
- At end of course, Plaintiff hit roof and bounced at approximately 10-15mph.

Plaintiff v. Zipline Company

- Discussion
 - What went wrong?
 - What could the business have done better?

How to Avoid Indefensible Cases

- Familiarize yourself with every aspect of your business
- Go after the low hanging fruit



How to Avoid Indefensible Cases

- Employee Training
 - Company needs to set defined training goals for new hires/ existing employees
- Company Culture
 - What are some examples of negative culture that the owner needs to deal with?



How to Avoid Indefensible Cases



- Employee Responsibility
 - Need To Hold Employees responsible for their part of the business
- Employee Empowerment
 - Employees need to feel empowered to enforce the guidelines.

What to Do With A Claim

- Contact your Insurance Provider
 - If you do not have a good relationship with your insurance agent, change that.
- Need to make sure that your insurance provider understands your business.

What to Do With A Claim

- Investigate the claim
 - Provide training on investigation
 - Prompt investigation can obtain information that quickly disappears
 - Document the investigation

What to Do With a Claim

- Hire professionals to help you.
 - Lawyers
 - Insurance agents
 - Training
 - Public relations



Conclusion

