
Riley Kawashima
v.
YOLO Projects and Maka Smith

Note: All characters, names, events, places, and circumstances in this mock trial are fictitious.

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THE HAWAII STATE BAR ASSOCIATION

2015 Hawaii High School
Mock Trial Competition Materials

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COMPETITION, CASE, AND RULES QUESTIONS

Questions concerning the case materials, rules, or competition procedures should be submitted in writing via e-mail to the mock trial program coordinators at YLDmocktrial@gmail.com.

Questions should come from coaches only. Students should NOT contact the coordinators regarding the problem. If students contact the coordinators no response will be provided. Please include your name, your team name, and your telephone number, in case additional information is needed in order to answer your question.

You may begin submitting case material questions any time after the materials are released.

INTRODUCTION

Welcome to the 2015 Hawaii High School Mock Trial Competition -- one of the premier high school academic competitions in the State. This event is administered by the Young Lawyers Division (“YLD”) of the Hawaii State Bar Association.

The Case

This Mock Trial case was developed for the 2015 Hawaii High School Mock Trial Competition.

We are grateful to the Michigan Center for Law & Civic Education and the State Bar of Michigan for permission to use Jamie R. Killian v. R.A.G.E. Enterprises & Chris Schultz. The original case was developed by David Nelmark, Iowa Mock Trial Program Coordinator, 1997-98.

The Students

For several months of the academic year, over one hundred students in Hawaii participate in the Mock Trial Program. They experience the excitement of working in teams, exchanging ideas, setting goals, and examining issues, all set in the context of the American Judicial System. By studying the case and preparing opening statements, direct and cross-examinations, and closing arguments, students learn to think on their feet, understand and defend different sides of an issue, hone their presentation skills, and improve their written and communication skills.

The Trials

Schools must register through the forms that are sent to each school, which can also be found on the mock trial website, and returned to the HSBA as indicated on the forms.

The Volunteers

Annually the YLD, judges, attorneys as well as educators and others, volunteer their time to help make the Mock Trial Program an educational and exciting experience for students, either by judging, coaching, or serving in a variety of administrative positions.

CASE MATERIALS

Civil No. 14-1-9999

Riley Kawashima v. YOLO Projects and Maka Smith

IN THE SIXTH JUDICIAL CIRCUIT FOR MAKAI COUNTY IN THE STATE OF HAWAII

JOINT PRETRIAL STATEMENT

A. STATEMENT OF THE CASE

Riley Kawashima, plaintiff, is suing Maka Smith and YOLO Projects, defendants, for injuries (s)he claims to have sustained on the defendants' premises while playing a game of paintball on March 17, 2014. Riley claims (s)he was struck in the temple by a paintball while playing a game where players shoot paint-filled pellets at one another. This game was created and sponsored by the defendants. At the time plaintiff was allegedly injured, (s)he was not wearing the face mask with built in goggles provided by defendants. Riley claims this is because the goggles attached to the face mask fogged up. Pursuant to a report from the National Weather Service, the average temperature on March 17, 2014 during daylight hours was 93 degrees Fahrenheit. The medical expenses incurred by the Plaintiff were reasonable and necessary as a result of the Plaintiff's injuries.

B. ISSUES TO BE LITIGATED AT TRIAL

The issues in the case are:

- a. whether defendants were negligent by:
 - i. failing to provide adequate protection for customers,
 - ii. engaging in negligent conduct that made the game unreasonably dangerous, or
 - iii. failing to properly warn plaintiff of the risks of the game.
- b. whether plaintiff is responsible for his/her own injuries, thereby negating or lessening any negligence of defendants by
 - i. plaintiff's own comparative negligence, or
 - ii. plaintiff's assumption of the risks of injury

C. WITNESSES TO BE CALLED AT TRIAL

- | 1. | For Plaintiff | For Defense |
|----|-------------------------------------|-------------------------------------|
| a. | Riley Kawashima, plaintiff | a. Maka Smith, defendant |
| b. | Dr. Lee Castro, plaintiff's doctor* | b. Jordan Hahn, friend of plaintiff |
| c. | Sidney Cho, former YOLO employee | c. Alex Parish, paintball expert* |

* The parties stipulate that these witnesses are qualified to render expert testimony and opinions in their specific fields of expertise and will not voir dire these witnesses.

D. EVIDENCE EXPECTED TO BE INTRODUCED AT TRIAL

- 1) Diagram of the face mask/goggles provided by defendants;
- 2) Warning sign posted at paintball field;
- 3) Acknowledgement form;
- 4) Article from Paintball Monthly;
- 5) Memo from Sidney Cho to Maka Smith;
- 6) Medical records;
- 7) Advertisement for Sabotage;
- 8) Paintball Safety Statistics;
- 9) Testimony of any and all witnesses.

E. LEGAL AUTHORITY CONTROLLING THE CASE

Both parties agree that the controlling law is limited to what is provided in the mock trial materials.

F. STIPULATION AS TO JURY/NONJURY TRIAL

Both parties demand the right to a trial by jury.

G. ATTEMPTS FOR SETTLEMENT

The parties have met on numerous occasions and discussed the possibility of settlement. Both agree they have been unable to reach settlement and trial of this matter is necessary.

LEGAL AUTHORITIES

STATUTORY LAW

MAKAI Section 323. Special Relations Giving Rise to Duty to Aid or Protect.

A business is under a duty to its customers to take reasonable action:

- a) to protect them against unreasonable risk of physical harm; and
- b) to give them first aid after it knows or has reason to know that they are ill or injured, and to care for them until they can be cared for by others.

MAKAI Section 336. Activities Dangerous to Invitees.

A business owner is subject to liability to his or her customers for physical harm caused to them by a failure to carry on activities with reasonable care for their safety if, but only if, the business owner should expect that they will not discover or realize the danger, or will fail to protect themselves against it.

MAKAI Section 339. Dangerous Conditions Known to or Discoverable by Owner.

A business owner is subject to liability for physical harm caused to his/her customers by a dangerous condition on the property of the business if and only if, he/she:

- a) knows or by the exercise of reasonable care should have discovered the condition, and should realize that it involves an unreasonable risk of harm to such customers; and
- b) should expect that customers will not discover or realize the danger, or will fail to protect themselves against it; and
- c) fails to exercise reasonable care to protect them against the danger.

MAKAI Section 362. Known or Obvious Dangers.

A business owner is not liable to his/her customers for physical harm caused to them by any activities or condition on the land whose danger is known or obvious to them, unless the possessor should anticipate the harm despite such knowledge or obviousness.

MAKAI Section 23-426. Comparative Negligence

- 1) When the occurrence of an incident is proximately caused by negligence on the part of a Defendant and not by negligence on the part of a Plaintiff, then Plaintiff is entitled to recover the full amount of damages sustained as a result of the occurrence.
- 2) When the occurrence is proximately caused by negligence of both Plaintiff and Defendant, the percentages of their negligence must be compared.

- 3) When the percentage of negligence attributable to a Plaintiff is equal to or greater than the percentage of negligence attributable to a Defendant, or if a Defendant is not negligent, the Plaintiff shall not be entitled to recover any damages for his/her injuries.
- 4) When the percentage of negligence attributable to a Plaintiff is less than the percentage of negligence attributable to the Defendant, a Plaintiff will be entitled to recover that portion of damages not caused by the Plaintiffs own negligence.

MAKAI Section 23-428. Proximate Cause Defined.

- 1) To be a proximate cause, the conduct must have been a substantial factor in bringing about the harm complained of, and the harm giving rise to the action could have been reasonably foreseen or anticipated by a person of ordinary intelligence and prudence.
- 2) To be a proximate cause of an injury, there is no requirement that the cause be the only cause, the last act, or the one nearest the injury, so long as it is a substantial factor in producing the injury or damage.
- 3) The foreseeability requirement does not require the person guilty of negligence to foresee the exact manner in which the injury takes place or the exact person who would be injured. It is enough that the person guilty of negligence could foresee, or should have foreseen through the exercise of reasonable care, the general manner in which the injury or result would occur.

CASE LAW

Lee v. Johnson, 68 Hi. 209 (1912)

The Makai Supreme Court in Lee set forth the following elements which must be shown to establish a prima facie case of negligence:

- 1) A duty on the part of the Defendant to conform to a specific standard of conduct for protection of a Plaintiff against an unreasonable risk of injury. A duty of care is owed only to foreseeable Plaintiffs,
- 2) A breach of that duty by Defendant,
- 3) The breach is the actual and proximate cause of Plaintiff's injury, and
- 4) Damages.

Morgan v. Makai County, 226 Hi. App. 418 (1997)

The Makai Hawaii Court of Appeals upheld the traditional definition of duty as "an obligation that the defendant has to the plaintiff." There, the court expressed that there are different variables to determine if a duty exists, including: (1) foreseeability of the harm, (2) degree of certainty of injury, (3) existence of a relationship between the parties involved, (4)

closeness of the connection between the conduct and the injury, (5) moral blame attached to the conduct, (6) policy of preventing future harm, and (7) burdens and consequences of imposing duty and resulting liability for breach.

Bowman v. Aloha Professional Bldg., Inc., 393 Hi. 393 (1975)

In this seminal case, the Makai Hawaii Supreme Court defined foreseeability as a situation where the actor must realize or should realize that there is a risk of harm. Foreseeability depends on whether a reasonable person could anticipate that a given event might occur under certain conditions. The court cautioned, however that just because an event might be foreseeable does not impose a duty on a defendant to take some kind of action. There must be some sort of risk of injury to another or his property before an actor is required to act.

Suzuki v. Plumeria Shopping Center, 196 Hi. App. 6 (1992)

The general rule is that there is no duty to aid or protect another unless there is a special relationship between them, such as between an invitor and an invitee. An invitee is one who is on the defendant's land for reasons related to the activity and of some tangible benefit to defendant.

Michaels v. Hunt, 17 Hi. 201 (1923)

The Makai Hawaii Supreme Court clarified that in a civil action, the Plaintiff has the burden of establishing by a preponderance of the evidence all of the facts necessary to prove each element of Plaintiff's claim. The term "preponderance of evidence" means the factual information presented in trial which is sufficient to cause the judge or jury to believe that the allegation is probably true or that it is more likely than not true. If the evidence on a particular issue appears to be equally balanced, the party having the burden of proving that issue must fail.

Frank v. Moon Industries, 218 Hi. 462 (1965)

Under the state comparative negligence statute, Defendant has the burden of showing contributory fault or obligation of Plaintiff by a preponderance of the evidence.

Watson v. JK's Motors Corp., 196 Hi. App. 20 (1997)

Under the law of comparative negligence, every person has an obligation to exercise reasonable care for his or her own safety.

Pang v. Winters, 375 Hi. 23 (1965)

The doctrine of Assumption of the Risk is applicable in this State only to cases in which there has been a clear assumption of risk. The doctrine of Assumption of the Risk serves only the purpose of limiting the scope of a defendant's liability for injuries caused to the plaintiff and has no utility in barring recovery where defendant has been found to have negligently breached a duty owed to plaintiff.

IN THE SIXTH JUDICIAL CIRCUIT FOR MAKAI COUNTY
IN THE STATE OF HAWAII

RILEY KAWASHIMA
Plaintiff,

VS. Civil No. 14-1-9999,

YOLO PROJECTS
and
MAKA SMITH
Defendants,

COMPLAINT

Now comes, Plaintiff, RILEY KAWASHIMA, and sues Defendants, YOLO PROJECTS and MAKA SMITH, for damages and personal injuries as a direct and proximate result of negligence of the Defendants on or about March 17, 2014, in the Makai County, State of Hawaii.

1. Jurisdiction is conferred upon this Honorable Court by virtue of MAKAI §16-10-101, as this cause of action arose in Makai County, State of Hawaii and this Honorable Court is the proper forum with respect to venue prescribed by MAKAI § 20-4-101.
2. Plaintiff, RILEY KAWASHIMA, is a resident of Makai County, State of Hawaii.
3. Defendant, MAKA SMITH, is a resident of Makai County, State of Hawaii.
4. MAKA SMITH is the owner and operator of Defendant YOLO PROJECTS, which is located at 1800 Holoholo Avenue, in Makai County, State of Hawaii.
5. Defendant YOLO PROJECTS is a corporation incorporated in the State of Hawaii. Its primary shareholder and manager is MAKA SMITH. On March 17, 2014, Defendant YOLO PROJECTS was a business held open to the public as a place of amusement.
6. Plaintiff brings suit to recover for personal injuries sustained by Plaintiff as a result of a dangerous condition on Defendants' property. Specifically, Plaintiff was injured while participating in a game called "Sabotage," which was created and sponsored by Defendants.
7. At the time and on the occasion in question, Plaintiff was an invitee on Defendants' property, having gone there for the purpose of socializing with friends, and participating in the games and recreation offered by Defendants.
8. Defendants advertised a game called "Sabotage" to Plaintiff and other patrons of Defendant YOLO PROJECTS. The employees of Defendants assured Plaintiff the game was safe and there were no signs or notices posted warning Plaintiff and other patrons of any dangers or risks associated with playing the game called "Sabotage."

9. The game of "Sabotage" is played by two teams consisting of five to ten individuals who put on protective gear provided by Defendants and proceed to shoot paint-filled pellets at one another through powerful weapons also provided by Defendants.
10. Plaintiff, while participating in the game of "Sabotage" on Defendants' premises, was injured when Plaintiff was struck in the left temple by a paintball pellet.
11. Defendants provided a face mask with built-in safety goggles to wear during the game, but participants were never told that they had to wear the face mask, and the goggles themselves were prone to fogging up.
12. The game of "Sabotage" offered at Defendant YOLO Projects is an unreasonably dangerous and unsafe game created by Defendant MAKKA SMITH. Defendants knew of the unreasonably dangerous condition and neither corrected nor adequately warned Plaintiff of it. Plaintiff did not have knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendants had, or in the exercise of due diligence should have had, constructive and/or actual notice of the defective dangerous and unsafe nature of the game and the Defendants failed to correct the same. Defendants' failure to correct the condition or warn Plaintiff constituted negligence and such negligence was the sole and proximate cause of Plaintiff's injuries.
13. As a result of the occurrence above described, Plaintiff has suffered severe personal injuries, causing Plaintiff to sustain permanent bodily impairment. Plaintiff has experienced physical pain and mental anguish and will continue to do so in the future by reason of the nature and severity of Plaintiff's injuries. Plaintiff has been caused to incur medical charges and expenses in the past and will continue to incur medical expenses in the future for Plaintiff's injuries.

WHEREFORE, Plaintiff RILEY KAWASHIMA, sues Defendants YOLO PROJECTS and MAKKA SMITH and demands monetary judgment.

Respectfully submitted:
ALAPA CHONG LLP

By: Kai Alapa

Attorneys for Plaintiff
11 Justice Court
State Center, Hawaii, 96210
(808) 555-6677

IN THE SIXTH JUDICIAL CIRCUIT FOR MAKAI COUNTY
IN THE STATE OF HAWAII

RILEY KAWASHIMA
Plaintiff,

VS. Civil No. 14-1-9999

YOLO PROJECTS;
and
MAKA SMITH
Defendants,

ANSWER

Comes now, Defendants, YOLO PROJECTS and MAKA SMITH, and for Answer to the Complaint filed against them in this cause, say as follows:

1. Defendants deny Plaintiff is entitled to recover any sum from them as damages.
2. Paragraphs 1, 2, 3 and 4 are admitted.
3. In response to the allegation contained in Paragraph number 5, it is admitted that on March 17, 2014, Defendant YOLO PROJECTS was a business held open for public use as a place of amusement.
4. In response to the allegations contained in Paragraph number 6, Defendants admit that the game "Sabotage" was created and sponsored by Defendants. The remaining allegations contained in Paragraph number 6 are denied.
5. Defendant lacks information sufficient to form a belief as to the truth of the allegations contained in Paragraph number 7 and therefore, denies the allegations contained therein and demands strict proof thereof.
6. In response to the allegations contained in Paragraph number 8, it is admitted that Defendants advertised a game called "Sabotage". The remaining allegations contained in Paragraph number 8 are denied.
7. In response to the allegation contained in Paragraph number 9, Defendants admit the description in Paragraph 9 is a general explanation of the game of Sabotage.
8. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in Paragraph number 10 and therefore, deny these allegations and demand strict proof thereof.
9. In response to the allegations contained in Paragraph number 11, Defendants admit that a face mask with goggles was provided. The remaining allegations contained in Paragraph number 11 are denied.

10. Paragraph number 12 is denied.

11. Defendants lack information sufficient to form a belief as to the truth of the allegations contained in Paragraph number 13 and therefore, deny these allegations and demand strict proof thereof.

12. Each and every other allegation of the Complaint not heretofore admitted, explained or denied specifically, is now denied generally.

AFFIRMATIVE DEFENSES

13. Defendants aver that Plaintiff has failed to state a cause of action upon which relief can be granted. Defendants deny Plaintiff is entitled to recover any sum from them as damages.

14. It is averred that if there was some negligence on the part of Defendants, then the negligence of Plaintiff should be compared with the negligence of others to determine what amount of damages, if any, is owed by Defendants to Plaintiff.

15. Defendants aver that Plaintiff's negligence was equal to or greater than the alleged negligence of Defendants and Plaintiff therefore cannot recover. In the alternative, it is averred that Plaintiff was liable of a substantial degree of negligence requiring a reduction of damages in proportion to the degree of Plaintiff's own negligence.

16. Defendants avers that Plaintiff assumed the risk of injury by playing or participating in the game of Sabotage and that Defendant had posted warning signs stating participation in the game is voluntary, and that the game requires good physical health, physical strength and agility, and each player assumes the risk of any injury that may result from playing this game, and therefore, Plaintiff cannot recover any damages from Defendants.

WHEREFORE, Defendants having fully answered the Complaint filed against them in this cause, respectfully pray that the Complaint be dismissed and held for naught and the cost of the cause assessed against Plaintiff.

Respectfully submitted:
DAVID & ASSOCIATES

By: *Kelly David*

Attorneys for the Defendants
4212 Hale Boulevard
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(808) 555-1776

IN THE SIXTH JUDICIAL CIRCUIT FOR MAKAI COUNTY
IN THE STATE OF HAWAII

RILEY KAWASHIMA
Plaintiff,

VS. Civil No. 14-1-9999

YOLO PROJECTS
and
MAKA SMITH
Defendants,

STIPULATIONS

Now come the parties to this action and mutually stipulate to the following facts:

1. Both parties demand a trial by jury.
2. The diagram of the face mask is not to scale, but is otherwise accurate. The face mask includes goggles, the straps of which secure the face mask to a person's head. No objections to this exhibit may be made on hearsay or foundation grounds.
3. *All evidence provided with the case materials is assumed to be a true and accurate representation of the documents they depict.*
4. This is the first half of a bifurcated trial. The decision rendered will only be in regard to the percentage of the liability of each of the parties. The amount of any damages to be awarded will be determined at another trial.
5. The medical expenses incurred by Plaintiff were reasonable and necessary as a result of the injuries Plaintiff complains about; however the parties do not stipulate that the injuries occurred as a result of the incident.
6. Pursuant to a report from the National Weather Service, the average temperature on March 17, 2014 during daylight hours was 93 degrees Fahrenheit.

STANDARD JURY INSTRUCTIONS (“SJI”)

SJI2d 10.02 Definition of Adult Negligence

Negligence is the failure to use ordinary care. Ordinary care means the care a reasonably careful person would use. Therefore, by “negligence,” I mean the failure to do something that a reasonably careful person would not do, under the circumstances that you find existed in this case.

The law does not say what a reasonably careful person using ordinary care would or would not do under such circumstances.
That is for you to decide.

SJI2d 11.01 Comparative Negligence

The total amount of damages that plaintiff would otherwise be entitled to recover shall be reduced by the percentage of plaintiff’s negligence that contributed as a proximate cause to [his /her] injury. (plaintiff, however, is not entitled to noneconomic damages if [he / she] is more than 50 percent at fault for [his / her] injury.)

This is known as comparative negligence.

SJI2d 15.01 Definition of Proximate Cause

When the court uses the words “proximate cause,” the court means: first, that the negligent conduct must have been a cause of plaintiff’s injury, and second, that the plaintiff’s injury must have been a natural and probable result of the negligent conduct.

SJI2d 16.08 Burden of Proof in Negligence Cases

Plaintiff has the burden of proof on the following propositions:

- a. that defendant was negligent in one or more of the ways claimed by plaintiff (as stated to you in these instructions);
- b. that plaintiff was injured;
- c. that the negligence of defendant was a proximate cause of the injuries to plaintiff.

Your verdict will be for plaintiff if you decide that all of these have been proved.

Your verdict will be for defendant if you decide that any one of these has not been proved.

(defendant has the burden of proof on [his / her] claim that plaintiff was negligent in one or more of the ways claimed by defendant (as stated to you in these instructions), and that such negligence was a proximate cause of the injuries to plaintiff.)

(defendants have the burden of proof on their claim that Riley Kawashima was negligent, and that the negligence of Riley Kawashima was a proximate cause of the injuries to plaintiff.)

(If your verdict is for plaintiff, then you must determine the percentage of fault for each party or nonparty whose negligence was a proximate cause of plaintiff's injuries. In determining the percentage of fault, you should consider the nature of the conduct, and the extent to which each person's conduct caused or contributed to plaintiff's injuries.)

SJI2d 19.01 Definitions of Invitee, Licensee and Trespasser

To determine the duty owed to plaintiff, you must first determine whether plaintiff was an *invitee* or *licensee* or *trespasser*.

The words *invitee* and *licensee* and *trespasser* have special meaning in law.

(An *invitee* is either a public invitee or a business visitor. A public invitee is a person who is invited to enter or remain on [land / premises / a place of business] as a member of the public, for a purpose for which the [land / premises / place of business] is held open to the public. A business visitor is person who is invited to enter or remain on [land / premises / a place of business] for a purpose directly or indirectly connected with business dealings with the possessor of the [land / premises / place of business]. An invitation may be either express or implied.)

(A *licensee* is a person who, other than for a business purpose, [enters on / enters] another's [land / premises / place of business] with the express or implied permission of the owner or person in control of the [land / premises / place of business.] A social guest is a licensee, not an invitee.)

(A *trespasser* is a person who goes upon the [land / premises / place of business] of another without an express or implied invitation, for his or her own purposes, and not in the performance of a duty to the owner. It is not necessary that in making such an entry the trespasser have an unlawful intent.)

SJI2d 19.03 Duty of Possessor of land, Premises or Place of Business

A possessor of [land / premises / place of business] has a duty to maintain the [land / premises / place of business] in a reasonably safe condition.

A possessor has a duty to exercise ordinary care to protect an invitee from unreasonable risks of injury that were known to the possessor or that should have been known in the exercise of ordinary care.

(A possessor must warn the invitee of dangers that are known or that should have been known to the possessor unless those dangers are open and obvious. However, a possessor must warn an invitee of an open and obvious danger if the possessor should expect that an invitee will not discover the danger or will not protect [himself / herself] against it.)

(A possessor has a duty to inspect [land / premises / a place of business] to discover possible dangerous conditions of which the possessor does not know if a reasonable person would have inspected under the circumstances.)

1 **AFFIDAVITS**

2
3 COUNTY OF MAKAI)
4)ss. AFFIDAVIT
5 STATE OF HAWAII)
6

7 **RILEY KAWASHIMA**, being duly sworn, deposes and says:
8

9 My name is Riley Kawashima. I am 18 years old and a senior in high school. I live at 8617 Palaka
10 Drive in Humulau. Before I was injured playing paintball, I was the captain of my high school
11 volleyball team. Since the injury, I have tried to play again, but my skill level just isn't what it used to
12 be. I had hoped to make the all-state team this year and possibly get a scholarship to college, but I guess
13 it wasn't meant to be.
14

15 On March 17, 2014, a bunch of my friends and I decided to go to YOLO Projects. It's an entertainment
16 center about 15 minutes from my high school. It was a Monday, but it was gorgeous outside and we
17 were getting close to spring break so we decided to cut class. Looking back, I guess that was a poor
18 decision, but give me a break, I was only 17.
19

20 For a relatively small county, Makai actually has quite a bit to do. We've got your basic assortment of
21 malls, hikes, movie theaters, beaches, and mini-golf courses. We've also got YOLO Projects, which is
22 really a whole bunch of entertainment activities put together. This is an indoor/outdoor park where you
23 can always try the newest fad or activity. It has had everything from bungee jumping to human flytrap
24 where you throw yourself against a Velcro wall while wearing a Velcro suit. The activities change, so
25 that keeps it interesting. I used to go there quite a bit, but last summer my mom told me I couldn't go
26 anymore. I knew better than to ask mom for a reason. It was easier to just find other things to do.
27

28 The last week of February, YOLO Projects began running advertisements in our high school newspaper.
29 The ads promoted a game that YOLO Projects' owner had created a couple of years ago called
30 "Sabotage." The ads said, "This is war! It's kill or be killed." I really love to win and this seemed like
31 my kind of game. The ad also had a coupon for \$5.00 off the price that was normally \$15.00. It was a
32 good deal and it sounded cool, so we decided to give it a shot.
33

34 When we got to YOLO Projects we went to the main information desk where you purchase tickets for
35 all the games. When we tried to buy a round of Sabotage, Maka, who was working that day, asked how
36 old we were. My eighteenth birthday was like less than a week away, so I said I was 18. I went to
37 YOLO Projects, with a bunch of seniors who were eighteen (18), so I was actually the only minor. Maka
38 asked for our IDs. When I admitted I was only 17, Maka gave me a form for my parent or guardian to
39 fill out before I could play. It said a bunch of legal mumbo, jumbo I couldn't really understand. Anyway,
40 I took the form and told him I'd return it later. Then, I went out to my car, pulled out a pen and signed
41 my mom's name.

42 Problem solved. After about ten minutes I went in and handed Maka the form. Maka looked a little
43 funny at my mom's signature but said something like, "Who am I to decide whether that's real or not?"
44

45 There were a whole bunch of signs on the wall behind the desk, but they were all overlapping and hard
46 to see. Maka told us to read the Sabotage rules and warnings, but the counter is at least six feet away

47 from the wall and you can't get behind the counter to read the signs. I didn't ask him/her to point the sign
48 out to me. I figured if it was just on a wall with a bunch of other stuff it couldn't be that important.
49

50 After we paid our money, we headed to a changing room. There, we were shown how to shoot and
51 reload the paint guns. An employee also gave us a small helmet, some kneepads and elbow pads, and a
52 face mask. The face mask included goggles and a guard for the mouth and throat.
53

54 It was an ugly mask but it made me feel like a soldier so I put it on. Then another employee named
55 Sidney came out dressed in combat fatigues. S/he mumbled a bunch of stuff about playing fair and
56 staying safe. I am positive s/he never mentioned anything about keeping the face mask on the entire
57 time. As far as I can remember, s/he didn't even say how to put the face mask on properly. Sidney was
58 basically just trying to get everyone fired up. It sure worked for me. S/he stopped for a minute to see if
59 anyone had questions, but we were already lining up to head to the playing field. As we walked out the
60 door, Sidney checked to make sure we had all our equipment on.
61

62 Sabotage is played by dividing the group into two teams. One group hides at 68 various spots around a
63 base area and guards a flag. The other group slowly attacks from all sides and tries to sneak in and steal
64 it. It's called Sabotage because there are a lot of shrubs and high grass and wooden obstacles to hide
65 behind. You never know when someone is going to creep up behind and ruin your plans.
66

67 The first game I was on the attacking team. We didn't win, but it wasn't my fault. I shot four people on
68 the other team before I died. I actually got to the flag but then three guys popped and I went down in a
69 blaze of glory and green paint. The paintballs that splattered really only stung for a second. I noticed that
70 two of the balls didn't break, however. The ones that didn't break left some serious welts. When I
71 mentioned this to Sidney, s/he said if I couldn't handle a little pain I should head inside and play
72 skee-ball. This really ticked me off. The next game a new referee took over and Sidney was going to
73 play for the other team since one of their members got cold and went inside. This time my team was
74 going to be on the defense and I made up my mind that no matter what happened, Sidney wasn't getting
75 anywhere near that flag.
76

77 As the game started I kept an eye on Sidney. The camouflage s/he was wearing looked cool, but it didn't
78 conceal him/her very well. S/he was all green and the field was basically dirt with brown bushes. My
79 friend Jordan and I took a position to the left of our flag behind a tall wooden bunker with some
80 peepholes. Before long the two teams engaged and paint was flying. Because we were off to the side, we
81 were out of the line of fire. I kept my eyes on Sidney.
82

83 When s/he got within 10 yards I fired off some shots to try to keep him/her pinned down. I thought one
84 of my shots had to have landed, but s/he wouldn't admit to being killed. This made me even angrier. I
85 ducked down to reload, but then my goggles started fogging up. I tried to wipe them
86 clean, but it wouldn't work. I told Jordan to cover me and I pulled off the face mask to see what was
87 wrong. I couldn't figure out the problem.
88

89 I heard Sidney make a war yell as s/he charged the bunker. At this point I threw caution to the wind and
90 stood up to hold my ground. I'm proud to say I forced Sidney to abandon the assault, but I also revealed
91 my position to one of his/her teammates. This person, whom I never saw clearly, had snuck up on the
92 side and was waiting for me to stand. One well-placed shot to the left side of my head and I was out of
93 the game.
94

95 When I got hit I saw a flash of yellow. At first I thought it was paint in my eye, but I think it was just a
96 flash of light from the pain because there was no paint on my face or helmet. I went black for a second
97 and fell back, but I was never knocked out. Sidney blew his/her whistle to stop the game and then came
98 over to see if I was okay. I know we talked for a minute, but I can't really remember the conversation.
99 Actually the next couple of days after the incident are kind of fuzzy too.

100
101 I know I drove home and went to bed. The next day I tried to go play some volleyball at the YMCA. At
102 first I was okay, but the longer I played the worse my headache got. I felt like I was going to throw up, I
103 was playing almost as bad as I felt so I quit. I didn't go out at all that night. The next morning my folks
104 went out for some breakfast and last minute birthday shopping so they were gone when I woke up. I felt
105 awful by this point and was even having trouble with my vision. Dr. Castro's office was only a few
106 blocks away so I decided to walk over. S/he was nice to me before and I didn't know what else to do.

107
108 I never would have played this stupid game if anyone had told me it was dangerous. I'm a competitor,
109 sure, but I'm not dumb. I wouldn't risk getting hurt, especially during volleyball season. I did take off the
110 face mask that they gave me, but only because the goggles kept fogging up. No one told me they had to
111 be on at all times.

112
113 Since the accident, I have suffered from occasional spells of dizziness and headaches. For the first
114 couple of weeks after it happened, I was too sick to work or go to classes. It really made the rest of the
115 year hard for me.

116
117 -----
118 Subscribed and sworn to before me at 8:00 AM
119 on the day of this round of the 2015 Hawaii Mock Trial Competition.

120
121 *Carter Kim*
122 Carter Kim, Notary Public
123 State of Hawaii

124
125 My Commission Expires: November 1, 2016

1 COUNTY OF MAKAI)
2)ss.
3 STATE OF HAWAII)
4

AFFIDAVIT

5 **LEE CASTRO**, being duly sworn, deposes and says:
6

7 My name is Dr. Lee Castro. I am 42 years old and live at 4202 Long Street in Lono, Hawaii. I received
8 my bachelor's degree in physiology and anatomy from the University of Upper Hawaii and then went to
9 receive my DO from the Hawaii School of Osteopathic Medicine. I graduated Magna Cum Laude in
10 1997. I completed my residency at the Makai County Medical Center where I specialized in the physical
11 rehabilitation of patients with brain injuries. Upon completing my residency, I worked at several
12 different facilities around the country until I returned to Humulao to open my own office in 2009.
13

14 My specialty, brain trauma, frequently comes from violent jars to the head or neck resulting from things
15 like car accidents or sports related incidents. In addition to my private patients, I frequently offer
16 seminars to the trainers and coaches of the state's high school athletic teams in order to encourage safety
17 and educate them as to the common signs of injuries to the nervous system. The coaches from these
18 schools often refer students to my office if they unfortunately sustain an injury on the field or court.
19

20 I first met Riley Kawashima on March 3, 2014. Riley's coach called me from Pipikaula High School
21 where Riley and the other Pipikaula Pirates were competing in a volleyball tournament. In the third set
22 of the final match, Riley sustained what the coach referred to as a "Spalding tattoo." Apparently,
23 when Riley was near the net a member of the other team spiked the ball directly into the side of Riley's
24 head rendering Riley unconscious for a couple of minutes. Some smelling salts revived Riley, but the
25 coaches were concerned about a possible concussion, so Riley was brought to my office late that
26 afternoon. I was ready to head home for the day when Coach Bradley called, but decided to stay late so
27 Riley could get immediate treatment. Although we had never met, I already had a great deal of respect
28 for this athlete because of Riley's reputation of having such a strong competitive spirit. Riley's intensity
29 on the court is legendary. In fact the local paper even started calling him/her Riley "Killer" Kawashima.
30

31 When Riley came to the office I conducted a full examination and made the diagnosis of a minor
32 concussion. This is essentially a bump on the head with localized swelling. A volleyball has some give
33 to it, so the head injury most likely came when Riley's head struck the floor of the gymnasium. Riley
34 told me that hitting the floor was the last thing s/he remembered which is consistent with my diagnosis
35 of the cause of the injury. The concussion itself was easy to diagnose, since Riley displayed many of the
36 classic symptoms--slowed and slightly slurred speech, dizziness, and dilated pupils. I did not run a CAT
37 scan, because there did not seem to be a need for such a test as the case was so straightforward.
38

39 There is not much that can be done to treat a concussion. The best thing to do is rest. It is important to
40 refrain from physical activity because any jostling can impair recovery or cause another concussion. It is
41 still not clear whether or not concussions can lead to permanent damage. I believe that they have the
42 potential to affect an individual well into the future, but it has been my experience that concussions
43 almost always heal completely if they are treated and cared for properly.
44

45 Riley came in for a follow-up appointment approximately one week after the initial concussion. S/he
46 said s/he had refrained from playing volleyball so far but was anxious to get back to it. I cleared Riley
47 for play and assumed that would be the last time I would have to treat him/her. Unfortunately, I was
48 wrong.

49
50 On March 20, 2014, Riley came back into my office. I had just finished with another patient so my
51 receptionist sent Riley straight back to the exam room where I was. I could hardly believe my eyes when
52 s/he walked in. S/he looked sick and was having some difficulty walking. My first fear was that I had
53 misdiagnosed the volleyball injury and that s/he might have had something more serious. When I asked
54 Riley what happened, s/he said his/her head had just gotten worse.

55
56 This time, I did order a CAT scan that revealed some swelling and irritation of the brain near the left
57 temple. On March 20, Riley was suffering from a more serious closed head injury resulting from a
58 significant jostling of the internal contents of the skull. I prescribed some medication to help with the
59 dizziness and nausea Riley was complaining about. I also prescribed bed rest for a minimum of three
60 days and no strenuous physical activity for two weeks.

61
62 The evidence of trauma to the brain which I observed on March 20 was not consistent with the events of
63 the previous volleyball injury Riley described to me. Therefore, I began to suspect Riley had been
64 participating in something else that injured his/her head. The medical evidence at that point indicated a
65 strong blow to the temple from a small blunt object. Neither the volleyball or gymnasium floor fills this
66 description.

67
68 Because Riley was a minor at the time, I contacted his/her mother and suggested she come down to the
69 office to fill out the insurance forms for the injury. Mrs. Kawashima was surprised to learn that Riley
70 was at my office. She said she noticed that Riley looked like s/he wasn't feeling well, but thought it was
71 just the flu. When Mrs. Kawashima arrived I explained what I had found. She said she would get to the
72 bottom of this and marched into the examination room where Riley was resting.

73
74 Mrs. Kawashima began yelling at Riley and I could hear what was being said. Mrs. Kawashima
75 demanded to know why s/he was lying about the injury. When Riley wouldn't respond, Mrs. Kawashima
76 accused Riley of being on drugs. Riley began crying at this point and told his/her mom that s/he would
77 explain what happened if she promised to stop yelling. At this point, I knocked on the door to the exam
78 room and asked if I could listen to the rest of the conversation. In order to treat Riley properly, I needed
79 to know more about the cause of the injury. My examination revealed the general nature of Riley's
80 injury, but I wanted the specific details so I could better assess the damage. I also wanted to be there in
81 case the Kawashimas began making a scene again.

82
83 Riley explained that s/he and his/her friends had skipped a day of school earlier that week and gone to
84 YOLO Projects, a recreational organization on the edge of town. I am familiar with YOLO Projects and
85 its owner because I have treated kids who have been injured there in the past. The owner, Maka Smith,
86 is always thinking up wild stunts to try to attract the high school students.

87
88 His/her newest addition is a field where teams play paintball wars, which is what Riley went to do. I
89 have never personally played this horrible game or watched anyone play it at YOLO Projects. I have
90 seen it on television on several occasions, however. It is exciting to watch, but it seems like it would
91 promote violence among children.

92
93 Before Riley even got a chance to say exactly how the injury had happened, Mrs. Kawashima threw a
94 fit. She said she had ordered Riley never to go to that "den of sin" as she called it.

95

96 Eventually, Riley was able to spit out the story of getting hit in the head with a paintball and almost
97 getting knocked out. His/her description of events is consistent with my analysis of the medical evidence
98 revealed by the CAT scan.
99

100 It is my opinion with a reasonable degree of medical certainty that the injuries I treated Riley
101 Kawashima for on March 20 were caused blunt trauma, probably a sharp blow to his/her temple. This
102 injury caused Riley a great deal of discomfort and caused him/her to miss two weeks of school and
103 work. If s/he had tried to work during this time it would have prolonged his/her recovery time.
104

105 When someone is struck in the head with a blunt projectile, there are many factors that generally
106 determine the damage caused by the impact. Among these factors are the distance from which the
107 projectile was fired, the speed at which it was fired, the consistency or density of the projectile, and the
108 place upon the head where it lands.
109

110 It troubles me that the Maka Smith apparently did not provide any protective headgear for participants.
111 The human temple is a very fragile area because the bone of the skull is thinner and there are many
112 blood vessels. If this area was left unprotected, I hate to think of what else might go wrong at that place.
113

114 Riley has been lucky to make a nearly full recovery so far. S/he complains of some diminished motor
115 skills and occasional headaches and dizziness, but s/he is fortunate because for the most part s/he has
116 been able to function in the manner s/he did before the incident. Closed head injuries are especially
117 problematic and difficult to rehabilitate.
118

119 The fact that the trauma did not knock him/her unconscious does not mean it was not serious. Most
120 people are rendered unconscious because of a sudden jarring or "whiplash" that immediately alters the
121 person's equilibrium and induces them to pass out. The paint pellet is a small enough object that this
122 jarring probably did not take place. Even so, the pellet was obviously of a consistency necessary to
123 cause damage and it seems like it must have been fired by a high velocity weapon.
124

125 -----
126 Subscribed and sworn to before me at 8:00 AM
127 on the day of this round of the 2015 Hawaii Mock Trial Competition
128

129 *Carter Kim*
130 Carter Kim, Notary Public
131 State of Hawaii
132

133 My Commission Expires: November 1, 2016

1 COUNTY OF MAKAI)
2)ss- AFFIDAVIT
3 STATE OF HAWAII)
4

5 **SIDNEY CHO**, being duly sworn, deposes and says:
6

7 My name is Sidney Cho. I am the proud new owner of Sidney's Unbelievable BBQ and Paintball at 4209
8 Southeast River in Kamaka City, just north of Lono. I am 21 years old. I graduated from Ackbar High
9 School in 2011 and began working at YOLO Projects as a cashier. I stayed with the company until last
10 April. The pay was not good, but it was otherwise a decent working environment. Maka Smith treated
11 me well until the fall of 2011 when I began questioning his/her authority. I am normally very respectful,
12 but Maka was instituting a new paintball game called Sabotage, and making some potentially dangerous
13 errors.

14
15 I've been around paintball my whole life. Heck, we used to throw paint at each other growing up before
16 there was such a thing as paintball. When the IPA or International Paintball Association was formed in
17 2000, my Uncle Mike and I became charter members. Uncle Mike accumulated some of the best
18 paintball guns and safety equipment around not like the shoddy stuff used at YOLO Projects. I read
19 many paintball magazines and have competed in national tournaments.

20
21 Sabotage began being played at YOLO Projects on Labor Day of 2013. The game was not advertised
22 much because we wanted to perfect the playing field before we had too many customers. However, from
23 word of mouth alone, business really picked up. During the last month of the fall season in November,
24 there was a minimum of 100 people a week on that course. Maka was convinced that s/he had finally
25 stumbled on the idea that would make him/her a millionaire. Some of his/her friends thought so too
26 since they began coming into the center to ask about franchise opportunities.

27
28 The first few months of the game went well. Most people in this part of the country hadn't seen
29 paintball, but when they tried it they were impressed. In early December we shut the game down to
30 make repairs to the field and talk to our paintball pellet supplier. People were complaining about
31 paintballs starting to hurt. Apparently they didn't always break like they were supposed to. We store the
32 paintballs indoors, but if they're outside long enough they'll begin to harden. They don't dry out
33 completely, but the liquid does thicken and become heavier. When the shell doesn't break, there's no
34 give upon impact. Then it's like getting hit with a marble instead of paint. Personally, I think pain is an
35 integral part of the sport, but you've got to be careful.

36
37 At my new paintball center, we don't start any games when the temperature rises above 90 degrees. This
38 may be a bit over cautious, but I would rather err on the side of safety. Under most circumstances,
39 paintball could still be safely played at temperatures around 90 degrees. I don't know exactly what the
40 temperature was on March 17. We didn't have any thermometers outside the complex.

41
42 Once the field was repaired by the end of February, Maka wanted to start the game back up. S/he had
43 made some revisions on the course over the holidays and was anxious to test them out. S/he even wanted
44 to have a grand re-opening for the game. It seemed odd to bill a game as new when it started six months
45 ago, but marketing isn't my strong suit. I told Maka we should hold off on the games until the field was
46 completely repaired, but s/he said there were customers waiting and we had the bottom line to think
47 about.

48

49 The main reason Maka and I began to fight was the equipment s/he used. Maka refused to do the proper
50 research necessary to choose good equipment. I don't actually know how much s/he spent on safety
51 gear, but I do know Maka, and s/he probably always just went with the cheapest thing s/he could find. I
52 know the face masks weren't the best s/he could buy and I heard they had goggles that started fogging up
53 at various tournaments.

54
55 I tried out all the equipment YOLO Projects purchased before giving it to customers. I use my own
56 customized equipment when I play in tournaments, but I want to know exactly what my company's
57 customers are getting. It's possible to use your own equipment on the YOLO Projects' course, but most
58 people don't want to invest in their own set of gear.

59
60 After I tested out all the equipment, I sent Maka an email outlining my concerns. I noticed that the
61 pressure setting on the guns, the setting that determines the force behind the paintball, tended to
62 fluctuate and slip. S/he never replied. I didn't give Maka any articles that were written about equipment
63 or any safety reports because I didn't think it would do any good. Maka wouldn't listen to anything if it
64 meant spending any money.

65
66 There were other areas where Maka tried to cut corners, but I didn't realize their potential safety impact
67 until Riley got hurt. When we started the game back up in the end of February, we continued to use the
68 initial shipment of ammunition that we had purchased in the fall. Since the paintballs had been
69 purchased in bulk, we still had a few cases left. Maka refused to buy more saying that paint is paint.
70 That's true to some degree, but after a few months the paint starts to congeal. Ordinarily this would not
71 be much of a problem, but combining old paint with warm temperatures is asking for trouble, because
72 the paint can dry out.

73
74 When Maka revised the Sabotage course s/he created another potential hazard. In order to run two
75 games at once s/he cut the size of the original playing field almost in half. That results in more shots
76 being fired from shorter distances. To protect the players, s/he should have instituted a rule that people
77 could not fire at each other within 10 feet, but s/he did not.

78
79 I didn't mention these issues when the game opened in the spring because Maka was already mad at me
80 for telling some people from the local high school soccer team that it would be best for them to avoid
81 playing YOLO Projects' human dartboard game until their season was over. Besides, except for a few
82 sprained ankles and the like, there were no injuries from Sabotage during the fall season. I never tried to
83 talk anyone out of playing Sabotage because I think paintball is a great sport, even when played with
84 rented equipment. Sure, Riley was in the middle of volleyball season on March 17, 2014, but I wanted a
85 chance to challenge him/her. Because of his/her success in athletics, s/he had kind of a bad attitude. I
86 couldn't wait to get him/her on my turf. I may have even egged him/her on a bit. I don't really
87 remember.

88
89 Maka did make an effort to warn kids about some of the potential dangers of the game. S/he put up some
90 signs and told all employees to require that everyone wear their safety equipment. I know that Riley was
91 wearing the face mask when s/he left the staging area on March 17. I did tell the kids that the face mask
92 was required at all times. It is part of my normal list of instructions.

93
94 There wasn't anything unusual about the specific game Riley was injured in. Riley's team lost their
95 earlier game that morning and s/he seemed determined to win this time around. That would be easier
96 said than done, however. One person on the other team said s/he was getting tired and dehydrated so

97 s/he decided to go inside and play video games. Ordinarily, I probably would have given him/her a hard
98 time about being a wimp, but his/her quitting gave me a chance to play so I was all for it.
99

100 Once the game got underway I was going to make a break for the flag, but Riley had me pinned down
101 pretty good. The kid wasn't much of a shot, but I stayed low so I wouldn't risk getting hit. After a few
102 minutes, Riley seemed to be out of ammo, and my buddy Nightstalker was coming in from the right
103 flank. I dashed towards the flag to sucker Riley into exposing his/her position. S/he fell for it and stood
104 up. Stalker never misses an open shot and this was no exception.
105

106 I ducked as Riley stood up, so I didn't realize that s/he wasn't wearing the face mask. That was a stupid
107 thing for Riley to do. As soon as I saw s/he didn't have them, I yelled for a cease-fire and everyone
108 stopped shooting. Unfortunately, Riley already went down hard.
109

110 I went over to see how Riley was doing. S/he was laying on the ground holding his/her head, but was
111 still conscious. The other referee and I made sure s/he didn't have a neck or back injury and then helped
112 Riley sit up. I asked if s/he needed help and Riley began to complain about me not admitting to being
113 killed. Since s/he didn't come close to hitting me, I thought s/he might be delirious. Then, Riley stood
114 up, walked away and didn't appear show any effects from the blow.
115

116 Riley went inside the complex and sat down for a while. Since s/he was walking on his/her own and
117 declined medical treatment, I thought s/he would be fine. I had also told him/her s/he could stop at the
118 counter and talk to Maka if s/he needed any other help. I finished another game of Sabotage and went
119 inside to check on Riley. This was 30 - 45 minutes after s/he went inside. When I got there s/he was
120 gone. One of his/her friends said s/he had already gone home. I have not seen Riley since that time.
121

122 Riley shouldn't have taken off the face mask on the field, but if the goggles weren't working, I don't
123 blame him/her. Paintball is not a game for the weak. Still, whenever you remove a piece of safety
124 equipment on the battlefield, especially your goggles, you should always call for a cease-fire.
125

126 No one should probably have been playing paintball on March 17, 2014. It was really hot out. This kind
127 of incident will never happen at my new paintball arena. On the other hand, it's not entirely Maka's fault
128 either. S/he was a cheapskate, but even a good manager can't control what every player does every
129 minute of every game.
130

131 All in all, Sabotage was a good addition to YOLO Projects and a good thing for the people of Makai
132 County. It introduced them to the sport and held them over until my place could be opened. Now they
133 have a place where they can have fun and stay safe. That's an unbelievable combination that should
134 make Maka even more nervous than this lawsuit.
135

136 -----
137 Subscribed and sworn to before me at 8:00 AM
138 on the day of this round of the 2015 Hawaii Mock Trial Competition.
139

140 *Carter Kim*
141 Carter Kim, Notary Public
142 State of Hawaii
143

144 My Commission Expires: November 1, 2016

1 COUNTY OF MAKAI)
2)ss. AFFIDAVIT
3 STATE OF HAWAII)
4

5 **MAKA SMITH**, being duly sworn, deposes and says:
6

7 I'm Maka Smith. I'm 49 years old and have been for about three years now. You'll never hear me utter
8 the word 50 while I've still got my own teeth. I have a wonderful spouse named Pat and three kids.
9 Kainui is 19 and the twins, Chaz and Shaylene, are 16. Being an entrepreneur has been really good for
10 my family. I'm able to provide for them and spend lots of time at home.
11

12 I was born in Lono and have lived in different parts of Makai County most of my life. I didn't know
13 what to do with my life when I graduated from high school. I didn't have the money to go to college and
14 I wasn't inclined to take a 9 to 5 job. I've got some problems with authority so I had always planned on
15 being my own boss. I'd rather give the orders that take them if you know what I mean.
16

17 Since my junior year of high school, I've always tried to spend my summers on the coasts to keep track
18 of new fads and trends. I thought that if I was exposed to enough ideas I could eventually bring one of
19 them to Hawaii and make a small fortune. After some ill-fated ventures with pet vegetables and home
20 chainsaw carving kits, I had the ultimate brainstorm. The secret to my success wasn't in capitalizing on
21 one fad -- it was in taking advantage of all of them.
22

23 It was with this theory that YOLO Projects was born on September 20, 2004. I had saved up all my
24 money from odd jobs for years and was able to attract additional investors from around the community.
25 They realized that there wasn't much to do in the area and that a new entertainment complex could really
26 take off. My idea for the center was to have it capitalize on what ever activity was hot at the moment.
27 For a lot of years I was just able to turn a small profit after paying off the bills and loans, but eventually,
28 I hit it big.
29

30 I am now the proud owner and operator of an entertainment empire. It was born in Hawaii of all places,
31 but now this one horse state can't hold me back any longer. Due to the wild success of Sabotage, I've
32 recently sold franchises of YOLO Projects to pals of mine in Hopopo, Limu, and Carson.
33

34 One of the reasons that Sabotage has been so popular with investors is that it doesn't take a lot of
35 overhead to get started. In Hawaii, I can't charge the outrageous fees for playing time that paintball
36 operations in other states get. That means I have to find some other ways to keep costs down. It has
37 taken some innovative thinking, but in the end, that hard work allows me to provide the best
38 entertainment value in town.
39

40 Some of the cost-cutting measures I took when implementing the game were buying paintballs in bulk,
41 buying used guns, and buying from a company that was going out of business. I was kind of suspicious
42 at the great price for the face masks, but the sales rep told me they had never had a pair of goggles crack
43 upon impact and that I could return the whole line if that ever happened.
44

45 During the holidays of 2012, I made great improvements to Sabotage. My biggest customer complaint in
46 the fall was the lack of power of the guns. I felt they were pretty good for used equipment, but hey, the
47 paying customer is always right. That's why I paid one of my regular customers to adjust all the guns to
48 fire the balls at a higher velocity. The international safety standard for paint guns is to fire at a rate of no

49 more than 300 feet per second. I had this guy set the guns at a rate of 295 fps. Because this was a
50 homemade adjustment, the paintballs didn't all fire at exactly the same speed. On the average, however, I
51 was giving my customers great gun speeds and following safety regulations.

52
53 Another change I made was to reduce the size of the playing field and put in more obstacles. This makes
54 for less running around and more shooting and hiding. Because of the additional obstacles, competitors
55 actually get hit by fewer direct shots than they would have in the past. The smaller fields also make the
56 games faster paced and more exciting.

57
58 I run a clean, cutting-edge operation and hire the best employees. The best ones who'll work for
59 minimum wage anyway. Many of the games at YOLO Projects are physical contests. Therefore, I make
60 everyone who plays sign a document acknowledging the nature of the activity. This is my policy and I
61 follow it every time. I don't want to get sued, especially when things are just starting to take off for me. I
62 also ID the high school kids from Humulau and Pipikaula to make sure they aren't minors.

63
64 I got no way of knowing whether a signature on my form is authentic. I'm no forensicologist or
65 whatever handwriting experts are called. I just know that if there's a signature on the paper it's good
66 enough for me. In Riley's case, I remember that s/he got the form signed quickly, but for all I know
67 his/her mom was out in the car.

68
69 We provide safety equipment for all the participants and inform them that they have to wear this
70 protective gear in order to play Sabotage. The face masks are especially important because they protect
71 the eyes, which are very vulnerable. My employees who brief the kids immediately before the game are
72 required to announce that face masks may not be taken off under any circumstances. I did not see the
73 briefing before the game where Riley was injured, but I am very firm about this warning policy. My
74 workers know that if they fail to provide this instruction about the face masks even once, it is grounds
75 for termination.

76
77 We also have warning signs posted at the information desk and in the changing area. The changing area
78 is dark because it is lit with black light for effect. The signs are still easy to read in my opinion. I
79 specifically told Riley and his/her friends to read the same warning sign posted behind the information
80 desk. I can't specifically say whether s/he read it, but if I told him/her to, what else can I do?

81
82 I feel terrible that anyone got hurt at my establishment, but those are the breaks. If his/her goggles really
83 weren't working, which I think is just a story, s/he could have called for the field judge who would have
84 immediately called a time-out and escorted him/her safely off the field. All a player has to do to call a
85 time-out is yell "cease fire" and hold their gun straight up in the air. The players are told in the
86 pre-game warm-up that they are to immediately stop shooting if they hear that warning. I would have
87 inspected Riley's goggles and given him/her a new face mask if necessary. To be fair, I wouldn't have
88 even charged for the game s/he came out of, even though s/he played more than half of it. Taking the
89 face mask off was stupid and his/her own fault. S/he needs to accept personal responsibility for his/her
90 actions.

91
92 There are no real "losers" in paintball. As long as you fight valiantly, you gain the respect of your
93 opponents. In most games of Sabotage only a few people survive, and the same people can't avoid
94 getting shot every game. Players understand the risks of the game and that's why they respect
95 restrictions like the "Cease fire" rule. Calling a time-out would not have hurt "Killer" Kawashima's
96 reputation. I just don't understand what s/he was thinking.

97

98 Anyone who had been to YOLO Projects in the last six months should have been able to tell how
99 seriously we take the face mask around here. There's even a slogan to remind employees to check for the
100 face mask during the equipment test before the game starts, "No full mask, No can pass."
101

102 One of my former employees did send me an email once about the quality of my equipment - as I said,
103 we love technology around here. Sidney Cho said s/he felt we weren't using the best weapons and
104 protective gear we could be. S/he further said his/her uncle had some prime stuff we could rent if we
105 wanted. I'm sure that Sidney meant well, but there was no way I was going to pay large amounts of cash
106 for weapons that we couldn't even own. Sidney just didn't realize that to run a profitable business you
107 have to limit your costs. That's why his/her establishment will never get off the ground. S/he may attract
108 a lot of customers, but paintball will probably go out of style before s/he is able to pay off all of that
109 fancy-schmancy equipment.
110

111 I am not any sort of technician or engineer, but I can test out equipment and see if it works. I'm an avid
112 player of the game and I use exactly the same equipment I rent out to customers. To my knowledge we
113 never had any major problems with our goggles fogging up prior to the events of March 17, 2014. We
114 have even had a positive review article in Paintball Monthly. The article is framed and on the wall
115 behind the ticket counter. The reviewer didn't really like our equipment, but s/he didn't report any
116 problems with it. If the reviewer had recommended that we implement additional safety precautions, we
117 would have immediately done so.
118

119 Since Sabotage began, I figure that thousands of people have played the game and there have been only
120 minor injuries. A few people before and even after Riley have lost their heads and removed their face
121 masks on the field. Usually this has occurred in the split seconds when someone is frustrated after being
122 shot. In all of those cases, someone else usually thought to call a cease-fire or order the person to put the
123 face mask back on.
124

125 Other than Riley Kawashima, we have never had a participant sustain a head or eye injury.
126 Just because someone is injured playing a sport does not mean the game is unsafe. People get hurt in
127 established, organized sports all the time. Look at how many people are injured every year playing
128 football or even running track. Sometimes accidents happen, and sometimes people cause their own
129 injuries when they don't follow instructions. If Sabotage was inherently unsafe, I would not have added
130 it to my business. Heck, my kids are big fans of the game and you can be sure I wouldn't let them play it
131 if I thought they were at risk.
132

133 -----
134 Subscribed and sworn to before me at 8:00 AM
135 on the day of this round of the 2015 Hawaii Mock Trial Competition.
136

137 *Carter Kim*
138 Carter Kim, Notary Public
139 State of Hawaii
140

141 My Commission Expires: November 1, 2016

1 COUNTY OF MAKAI)
2)ss.
3 STATE OF HAWAII)
4

AFFIDAVIT

5 **JORDAN HAHN**, being duly sworn, deposes and says:
6

7 My name is Jordan Hahn. I am 19 years old and a freshman at Southern Hawaii University. Riley
8 Kawashima used to be one of my best friends. We hung out a lot in high school. Volleyball isn't one of
9 the more popular spectator sports so when I wasn't busy studying, I tried to go and cheer on the team
10 during big road games. Riley and I and some of the other players would usually go out for pizza or to
11 parties after those games. I don't know if Riley will ever forgive me for testifying against him/her in this
12 lawsuit, but I still feel it is my duty to tell the truth.
13

14 I was with Riley both when s/he was injured playing volleyball, and when s/he was hurt playing
15 paintball on March 17, 2014. The volleyball injury seemed a lot more serious to me. I mean, s/he got
16 knocked cold that day. When s/he went to see the doctor s/he was told to avoid physical activity for a
17 while. That advice was enough for the coach to keep Riley on the bench, but it wasn't enough to keep
18 Riley from getting on the court in pickup games after practice.
19

20 When s/he got hit in the head with the paintball, s/he was only hurt for a second. When Sidney and one
21 of the referees came over to see if s/he was okay s/he got up and said s/he was ready to keep playing. I
22 think his/her exact words were "If the paintball didn't break, I'm not dead yet." I talked Riley into going
23 home anyway because I didn't want to mess around with a head injury especially after how sick the last
24 one made him/her.
25

26 After the incident at YOLO Projects, I saw Riley the next day, but then I didn't talk to him/her for a
27 couple of weeks. We don't have any classes together so I did not realize that s/he was absent from
28 school. Sometimes we talk a lot on the phone, other times we'll go weeks without speaking. It just
29 depends on our schedules. I had some tough exams during this time so I didn't have time to
30 chat. I figured Riley wasn't calling me because s/he was busy with volleyball.
31

32 It's true that Riley, a bunch of our friends and I skipped school to go to YOLO Projects. It's really not
33 like me to do something like that, but I hadn't missed a day of class all year and was feeling a little wild.
34 I was glad that Riley was able to get home him/herself after getting hurt that day. I didn't really want to
35 have to call a doctor because I figured we would then get caught for cutting class.
36

37 I saw the warning signs about Sabotage at YOLO Projects. It said that this was a physical game and all
38 participants assume the risk of any injury. The signs were small, but I could make them out fine. The
39 counter where we paid for the game was not very far from the wall where the sign was posted. When
40 Maka told us to read the sign I did see Riley glance in the general direction that s/he pointed.
41

42 The warning signs made the game sound somewhat dangerous, but I figured they wouldn't have a sport
43 like this if it wasn't safe. After doing a quick mental calculation, I decided the odds of getting hurt were
44 pretty slim. Once when the game first opened, I found an article on the Internet that said more people are
45 hurt playing golf every year than paintball. That's a pretty good statistic in my book.
46

47 Before we started playing, we were told that if we thought we were in any danger for any reason, or if
48 we had a technical problem, we could call for the referee and the match would be immediately stopped

49 until the problem was resolved. I don't remember being specifically told not to remove the face mask.
50 Riley and I were fooling around during the pre-game briefing so maybe that's why we didn't hear the
51 warning if there was one. In any case, such a warning would have been redundant. Leaving the safety
52 equipment on seems like a common sense idea to me.

53
54 When the instructor started talking about shooting and killing, Riley got all worked up. We had never
55 been out to play this game before, but I think Riley was a closet fan. S/he said s/he had seen the
56 championships on television and thought s/he could play with the pros. S/he seemed familiar with how
57 the game was played and was impatient during the safety instructions. Sometimes his/her competitive
58 spirit really gets the best of his/her judgment.

59
60 The preferential treatment Riley receives as an athlete has always been a bit of a strain on our friendship.
61 The academic competitions I'm a part of never seem to get as much respect as the sporting events Riley's
62 involved in. I try not to let it bother me, but it's hard - especially when Riley's ego starts working
63 overtime. S/he is used to getting away with whatever s/he wants. We had a big falling out this past
64 summer when Riley wanted to go mountain biking in a restricted area and I wouldn't. Riley figured it
65 would be a great adrenaline rush and that no one would find out, but I wasn't prepared to take that risk.

66
67 Riley's famous competitive streak was in full force on March 17, 2014. Because of the previous head
68 injury, Riley had not been in any truly competitive situation for two weeks. That seemed to be causing
69 Riley a lot of stress. Riley told me s/he was far too good for the pickup volleyball s/he was playing to be
70 any sort of challenge. There may have been another reason that Riley was obsessed with winning at
71 Sabotage that day. S/he was disobeying his/her mom to go to YOLO Projects so Riley figured March 17
72 might be his/her only shot at paintball glory. S/he wouldn't want to be remembered as anything less than
73 the best.

74
75 When our team lost the first game of Sabotage that day, s/he practically threw a fit. S/he even tried to
76 blame me for the loss, despite the fact that s/he got killed long before I did. Riley didn't want to leave the
77 playing field to get set up for the next game, but one of the referees told him/her it wouldn't take very
78 long. We did not have to sit through another explanation of the rules because there were not any new
79 players.

80
81 During the second game Riley was even more intense. This time it seemed like s/he was out to get
82 Sidney specifically. We were on the defensive and I was behind the same bunker as Riley. S/he is
83 generally better at this sort of thing than I am so I was trying to follow his/her lead. The game was going
84 fine, but then Riley ducked behind the bunker and removed his/her face mask.

85
86 I couldn't believe that Riley was careless enough to remove his/her face mask in the middle of a game.
87 As soon as I saw what was taking place, I told him/her to put it back on immediately. When s/he
88 wouldn't listen to me, I was going to call a time-out and get the referee's attention. Before I got a chance,
89 Riley stood up and got hit in the side of the head. The whole thing happened rather quickly, so I don't
90 think the shooter had any idea Riley was in danger.

91
92 I did hear Riley say s/he couldn't see Sidney right before s/he took the face mask off. I don't know if it
93 was because of the goggles fogging up or just because Sidney was hiding. I never had any trouble with
94 any of my equipment.

95

96 As far as the game being dangerous, I just don't see it. With the proper safety gear and some extra
97 clothes for padding, I could barely feel the paintballs. Even the ones that didn't break only stung for a
98 brief second.
99

100 Even though the injury didn't seem that serious at the time, Riley did get real sick the next day. I stopped
101 over to visit, and s/he could hardly talk. I felt really bad, but at the same time I think the injury is his/her
102 own fault. Looks like the Killer's competitive streak finally got the best of him/her.
103

104 -----

105 Subscribed and sworn to before me at 8:00 AM
106 on the day of this round of the 2015 Hawaii Mock Trial Competition.
107

108 *Carter Kim*
109 Carter Kim, Notary Public
110 State of Hawaii
111

112 My Commission Expires: November 1, 2016

1 COUNTY OF MAKAI)
2)ss. AFFIDAVIT
3 STATE OF HAWAII)
4

5 **ALEX PARISH**, being duly sworn, deposes and says:
6

7 I'm Alex "Smokin" Parish, editor of Paintball Monthly. I'm 63 years young. I was one of the pioneers in
8 the sport of paintball and believe I know more about it than any other man, woman, or child on God's
9 green earth. I graduated from high school in 1969. After graduation I got a job covering obscure sporting
10 events for the Makai County Courier. I didn't have any experience in writing, but I lied on my resume
11 and got the job. Turned out I was pretty good at it. The paper started sending me around the world to
12 investigate and report on developing recreational activities. In 1986 I witnessed what I believe to be the
13 first ever documented game of what we now call paintball.
14

15 While trapped in a submarine for nine months, a bored but visionary sailor made a mold from a small
16 rubber ball he carried for good luck. He then developed a mixture of corn syrup and flour that would
17 harden into a shell when baked. He used this mixture to make small casings that he filled with water and
18 food coloring. After borrowing a friend's slingshot he began to bombard unsuspecting colleagues. By the
19 end of the mission, everyone on board was making paintballs and various paint weapons in order to
20 defend themselves.
21

22 When they arrived back at base, this group of sailors decided to have one last game before they were
23 sent home. I was at the base doing a story on the inter-armed forces blindfolded dart tournament when I
24 saw a flier for the paintball game. After attending the game and having a wonderful time, I wrote a piece
25 that was sent over the wires and the rest is history.
26

27 Now the game is played with automatic rifles and all sorts of other gadgets. I travel to every major
28 paintball tournament in the country and around the world. I still play in the senior division. I stayed with
29 the younger pros as long as I could, but when I broke my hip falling out of a tree they forced me into
30 semi-retirement.
31

32 Paintball is a pretty simple idea. Small paint pellets are loaded into a pressurized air rifle and combatants
33 fire at each other. The International Paintball Association has set standards regarding the speed at which
34 paintballs can be fired. The top limit is 300 feet per second. I've found that above 300 fps, accuracy is
35 hard to maintain in any event, so it doesn't make sense to set weapons to fire at a higher rate. Proper
36 safety equipment is also important. Every participant must wear a helmet and a face mask with safety
37 goggles. In addition, you should always wear a long sleeved shirt and long trousers to minimize the sting
38 of getting hit. At every paintball facility, participants are given basic safety instructions and common
39 sense guidelines to reduce the risk of injuries.
40

41 In addition to my duties as editor of PBM, I also write a review column for the magazine. This column is
42 a way to highlight new courses around the country and inform paintball enthusiasts which battlefields
43 might be worth a weekend drive. These reviews rate the courses on a scale of 1 to 4 splatters, with four
44 being a perfect rating. In addition to the overall score, the rating is broken down into different categories
45 including equipment, safety, challenge and course.
46

47 I had the opportunity to review the Sabotage course at YOLO Projects when it first opened in the fall of
48 2013 For a new course with an inexperienced owner, it was a fine operation. A copy of the article
49 containing my review of YOLO Projects is attached to this affidavit.

50
51 YOLO Projects received an overall total of 3 splatters. This is pretty high as I've never actually given an
52 overall 4-splatter rating. I've yet to discover a perfect course. The overall rating was boosted by an
53 exciting game structure and a 4 splatter course design. It also didn't hurt that I played Sabotage on a
54 beautiful, cool day.

55
56 The other reviewed components of the operation didn't fair quite as well. The safety rating was only 2
57 1/2 splatters, largely because of some holes and unstable structures on the playing field. These potential
58 hazards combined with a misstep or an overeager player could lead to an injury. After the review of the
59 course was published, I spoke with Maka Smith who indicated these hazards would be fixed. When I
60 returned to the course in late February, the changes had been made.

61
62 The lowest rated category for the paintball games at YOLO Projects was equipment. This category
63 received only 2 splatters. The guns and ammunition were both of mid-line quality. The guns were older,
64 but easy to reload and were fairly accurate. It may have been my imagination, but it seemed like the
65 guns were firing faster when I played the course in the spring.

66
67 The problem with masks with build-in goggles is that one size really doesn't fit all. The mask is usually
68 big enough, but the adjustable strap doesn't always work that well. This makes it so sometimes the
69 eyepiece isn't pulled directly against the face. This would allow warm outside air and player's breath to
70 enter the goggles area causing the lenses to fog up. Goggles ordinarily work fine, but the potential for
71 failure is there. While worn, the face mask with built-in goggles would be more than adequate to protect
72 against injuries to the eyes and temples.

73
74 Another part of my job is to keep track of any injuries occurring at paintball courses around the country.
75 As part of their membership in the International Paintball Association, paintball course owners are
76 required to report any serious injuries that occur on their fields. A serious injury results in disfigurement
77 or a doctor's care, except for such things as scrapes or sprains. I compile data on these injuries to
78 demonstrate that paintball is not an extremely dangerous sport. There are some dangers to the game that
79 would be obvious to anyone who has watched it even once, but far fewer serious injuries occur playing
80 paintball than in soccer, football, hockey, or basketball. I've never compared it to volleyball. But, like
81 ultimate fighting and professional wrestling, paintball has developed its enemies. When I get called to
82 Washington to defend the sport in front of a Congressional Committee, I'll be ready with my own
83 statistics to throw at those Senators.

84
85 The typical paintball injury is a turned ankle or sprained wrist resulting from a fall on uneven terrain.
86 There are occasionally broken bones when players fall out of high obstacles or into bigger ditches. The
87 most serious injuries have been snakebites, but that's not a concern in Hawaii.

88
89 I don't know of anyone ever having been killed or seriously injured as a result of being hit with a
90 paintball, except for someone losing an eye every couple of years. Despite the movement in the industry
91 to promote proper eye protecting, there's always someone who thinks they're indestructible.

92
93 Different paintballs strike with different impact depending on the consistency of the ball, the speed it's
94 fired at and the angle it hits the target. Improper equipment, inappropriate firing speeds, or unusually

95 dense paintballs could all potentially result in injuries to players. That's why the IPA carefully regulates
96 all its field owners and equipment manufacturers.

97
98 With the exception of the head injury to Riley Kawashima, there have been no injuries reported from
99 YOLO Projects. Riley's injury was reported to the IPA after the lawsuit was filed. This would not
100 ordinarily be considered timely reporting, but Maka Smith said s/he had no idea Riley had been injured
101 until the lawsuit was filed.

102
103 As far as the dispute in this case about it being too hot to play paintball, I think it's a bunch of malarkey.
104 I have been to tournaments in high temperatures and paintballs just don't normally harden. The paint
105 mixture can remain in liquid form for some time in the heat. I would not hesitate to play paintball in any
106 weather, and I wouldn't think twice about organizing a game for others as long as the temperature is 95
107 degrees or less. Of course, that maximum temperature assumes players are using fresh ammunition and
108 guns that are within the acceptable FPS limit.

109
110 Paintball manufacturers have been working for years to try to develop the optimum hardness level for
111 the outer shell. While the quality of paintballs has improved over time, it is still difficult to construct an
112 object that is fragile enough to break every time it hits a target, but sturdy enough to not break on the
113 gun during the loading and firing process. It is true that sometimes paintballs do not break, but this is
114 more of a result of the angle it collides with someone, not the temperature of the paint. Even when a
115 paintball doesn't break, it may hit with more impact, but it does not suddenly change consistency. A
116 plastic shell is a plastic shell no matter how it hits you.

117
118 I was not at YOLO Projects when Riley Kawashima was injured on March 17, 2014. I can say that the
119 two times I was at YOLO Projects there were several warning signs posted. They were behind the
120 counter, but I'm 63 and I could make them out just fine.

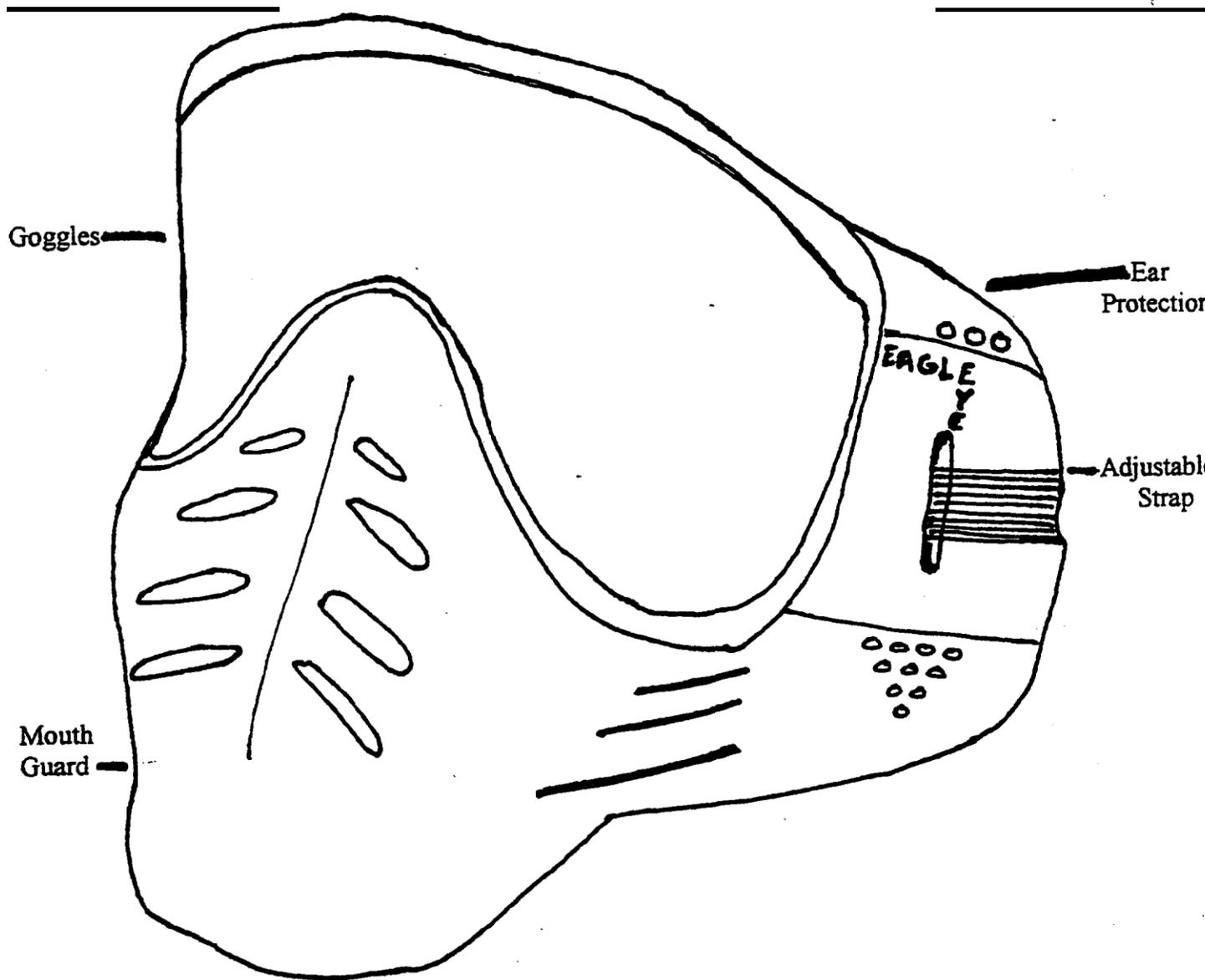
121
122 The young man/woman who gave us instructions for the games I played also gave us thorough safety
123 instructions. He/She specifically told us not to remove our face mask for any reason if we were on the
124 playing field. It is unfortunate that someone was injured playing this fine game, but it happens. This
125 does not mean we can blame the person who ran the game. There are casualties in any battle.

126
127 -----
128 Subscribed and sworn to before me at 8:00 AM
129 on the day of this round of the 2015 Hawaii Mock Trial Competition.

130
131 *Carter Kim*
132 Carter Kim, Notary Public
133 State of Hawaii

134
135 My Commission Expires: November 1, 2016

EXHIBITS



Eagle Eye Paint Ball Goggles/Face Mask

YOLO PROJECTS

ACKNOWLEDGEMENT

I _____ acknowledge that I am physically capable of participating in the YOLO Projects' paintball games. I further state that I have read the rules governing the game or have had them read to me and that I understand these rules. I acknowledge that paintball involves combat-like conditions.

Signature

Date

_____ is under the age of 18. I am his/her legal parent or guardian and give him/her my permission to participate.

Signature

Date

Attention all Sabotage Players:

This is a physical game requiring strength and agility. If you are pregnant or have heart/back problems, you shouldn't play this game. Please see cashier with any questions. All participants assume the risk of injury.

E-MEMORANDUM

EXHIBIT 4

To: Maka Smith
Address: Bigshot@yolo.com
From: Sidney Cho
Date: 11/15/13
Re: Sabotage Equipment

Maka-

After trying out all of the equipment for Sabotage under the current weather conditions, I believe we have two options. We can:

- A) stop the game when the temperature gets too high, or
- B) buy fresh ammunition.

It took me some time to get the masks to fit properly, which can be a real problem.

I know that we are trying to save up money from this opening paintball season in order to expand YOLO Projects in other areas, but gear is not something that can be cut back on. If cost is a concern, I can arrange for us to rent equipment from Uncle Mike. It would be a cheap, short-term solution but it could at least provide adequate gear through the season.

Last time I brought this problem up you yelled at me, so if you want to talk this time, you'll have to come to me.

Sidney Cho

Patient Summary:

Riley Kawashima

Attending Physician:

Dr. Lee Castro

Date:

3/3/14

Remarks:

Patient Riley Kawashima presented on March 3, 2014 suffering from apparent blunt head trauma. Patient reports that s/he was hit in the head - left temple and occipital bone. Patient is a high school volleyball player and both patient and coach report the blow was strong and patient fell to the floor becoming unconscious for a period of 1 to 2 minutes. Patient was revived by smelling salts.

Patient appears alert and oriented, pupils have excessive dilation but there is no external bleeding. Substantive bruising extends from the top of the left occipital to the left cheekbone. Patient reports tenderness, but swelling is within normal limits and there is no sclera damage in the eye.

Diagnosis:

Probable concussion with concurrent bruising and swelling. Patient's mother should closely monitor for 48 hours and immediately return if behavioral changes are noted. Patient should avoid strenuous activity and all contact sports for 7 days.

Recheck in 7 days

Patient Summary:

Riley Kawashima

Attending Physician:

Dr. Lee Castro

Date:

3/10/14

Remarks:

Patient returned for recheck from prior head trauma. Healing has progressed normally. Subcutaneous hematoma is fading. No neuro-muscular damage noted

Diagnosis:

Patient may return to normal activity in 7 - 10 days.

Patient Summary:

Riley Kawashima

Attending Physician:

Dr. Lee Castro

Date:

3/20/14

Remarks:

Patient presents with dizziness, slurred speech and nausea. Patient had prior head trauma on 3/3/14 which recheck revealed was healing normally. Patient initially claims no subsequent injury, later stating s/he sustained trauma to head while playing paintball. Paintball - pellet like object - struck patient in left temple. Substantial bruising has occurred and patient's neuro-muscular skills are impaired. Immediate CAT Scan ordered.

CAT Scan reveals fluid accumulation/swelling in the cranial cavity probable cause of neuro-muscular problems. Swelling appears to have stabilized.

Diagnosis:

Condition can be managed with medication. Patient ordered to engage in complete bed rest 3 days and reduced activity thereafter during healing period.

Recheck in 3 days.

Patient Summary:

Riley Kawashima

Attending Physician:

Dr. Lee Castro

Date:

3/23/14

Remarks:

Patient continues to exhibit signs of substantive pain, dizziness, and nausea from head trauma received on 3/17. Swelling has been reduced. Patient appears to be healing normally, but full recovery may take several weeks due to the severe nature of recent trauma.

Diagnosis:

Pain medication prescribed. Dizziness and nausea are to be expected during healing period

Come be a part of the action.

**Once you enter the field,
anything goes.**

This is war!

It's kill or be killed.

Can you survive the

NEW

interactive paintball battle,

“Sabotage?”

YOLO Projects

1800 Holoholo Ave.

(Bring in this ad for \$5 off the regular game price of \$15)

Paintball Safety Statistics

Paintball games are safer than most other sports except perhaps tiddlywinks. When played properly, Paintball is very safe. The following are statistics comparing various sports.

NOTE: The stats for tiddlywinks were not available at the time of printing!

Sports Accidents*

<u>Sport</u>	<u>Yearly Injuries</u> (per 1000 participants)
PAINTBALL	0.31
Bowling	0.50
Archery	0.66
Boating	0.92
Tennis	1.09
Golf	1.13
Swimming	1.30
Fishing	1.37
Water Skiing	1.90
Handball	2.42
Racquetball	2.53
Ice Skating	2.79
Snowmobiling	2.86
Snow Skiing	3.44
Volleyball	4.43
Gymnastics	7.13
Soccer	10.54
Bicycle Riding	11.30
Boxing	11.34
Hockey	12.46
Basketball	22.04
Rugby	23.14
Wrestling	27.37
Football	27.50
Baseball	27.67
Lacrosse	223.79
Running (0-19 miles/week)	294.00
Running (20-29 miles/week)	384.00
Running (30-39 miles/week)	461.00

Injury is defined as one that results in some degree of permanent impairment, or renders the injured person unable to effectively perform his regular duties or activities for at least one full day beyond the day of the injury.

* Source: National Safety Council

Alex Parish's Random Splatters Review

YOLO Projects, Makai County, HI

Course Design:



This course has a truly interesting design that lends itself to many different games. The layout for Sabotage is superb. Close quarters lead to some welcomed in-fighting and sneak attacks. If the field was any smaller, players could start counting the welts from point-blank shots. As it is, you're still never safe on this course. If you're near Makai, It's definitely worth a visit.

Equipment:



Guns and ammo are decent, but older. Safety gear meets international standards.

Safety:



The safety aspect of YOLO Projects leaves a little to be desired. The biggest hazards were some shallow holes and unstable obstacles on the field.

Overall:



This little course in the small state of Hawaii turned out to be a pleasant surprise. It's brand new and needs to be better organized, but for the most part, it's a top-notch field and complex.