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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF DESCHUTES

EDUARDO DANIEL BRAUN, Personal Representative of the Estate of Alfonso Braun; and MARC A. PANET-RAYMOND, Personal Representative of the Estate of Nicole G. Panet-Raymond,	)	Case No.
	)	COMPLAINT – WRONGFUL DEATH
	)	CLAIM FOR RECOVERY OF
	)	MONEY DAMAGES IN AN AMOUNT
Plaintiffs,	)	EXCEEDING \$10,000,000
	)	
vs.	)	FILING FEE PURSUANT TO ORS
	)	21.160(1)(e): \$1,178
POWDR CORP., a Delaware corporation, and MT. BACHELOR LLC, an Oregon limited liability company, in its own name and doing business as MT. BACHELOR SKI and SUMMER RESORT,	)	NOT SUBJECT TO MANDATORY
	)	ARBITRATION
Defendants.	)	REQUEST FOR JURY TRIAL

Plaintiffs allege:

1.

Eduardo Daniel Braun is the father and duly appointed personal representative of the Estate of Alfonso Braun who died on March 2, 2018. At the time of this death, Alfonso Braun was 24 years old. He is also survived by his mother, Marcela Andrea Cuesta, and his fiancée, Veronica J. West.

2.

Marc A. Panet-Raymond is the father and duly appointed personal representative of the Estate of Nicole G. Panet-Raymond who died on March 2, 2018. At the time of her death, Nicole Panet-Raymond was 18 years old. She is also survived by her mother, Teresa K. Panet-Raymond, and her brother Jacques A. Panet-Raymond.

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3.

At all times mentioned, defendant Powdr Corp. was and now is a Delaware corporation engaged in the business of owning, operating and managing ski resorts, including Mt. Bachelor Ski Resort. At all times mentioned, defendant Mt. Bachelor LLC was and now is an Oregon limited liability company doing business in its own name and under the assumed business name Mt. Bachelor Ski and Summer Resort and engaged in the business of owning, operating and managing the Mt. Bachelor Ski Resort.

4.

At all times mentioned, defendants, and each of them, owned, operated and managed the Mt. Bachelor Ski Resort on Mt. Bachelor in Deschutes County, Oregon.

5.

A substantial amount of new snow fell at the Mt. Bachelor Ski Resort in the three weeks preceding March 2, 2018 resulting in the development of tree wells, hidden cavities in the snow under, around and near trees and saplings into which skiers and snowboarders could fall, become buried in the snow, trapped and suffocate to death. Defendants knew or should have known of the danger.

6.

On or about March 2, 2018, Alfonso Braun was snowboarding as a paying customer and business invitee in an in-bounds, open area at Mt. Bachelor Ski Resort when he fell into a hidden, unbarricaded, unmarked tree well, was buried in snow, trapped and suffocated to death as the result of the negligence of defendants and each of them.

7.

On or about March 2, 2018, Nicole Panet-Raymond was skiing as a paying customer and business invitee in an in-bounds, open area at the Mt. Bachelor Ski Resort when she fell into a hidden, unbarricaded, unmarked tree well, was buried in snow, trapped and suffocated to death as the result of the negligence of defendants and each of them.

8.

On or about March 2, 2018, defendants were negligent and failed to protect Alfonso Braun in one or more of the following particulars:

- a. In failing to limit the number of open areas at times when hazards from tree wells were present;
- b. In failing to adequately inspect for tree wells into which customers might fall, become buried in snow, trapped and suffocate to death;
- c. In failing to adequately monitor the tree wells and assess the risks they presented on an ongoing basis;
- d. In failing to close areas to snowboarding and skiing when hazards from tree wells were present, including the area where Alfonso Braun was snowboarding at the time he fell into the tree well;
- e. In failing to place rope lines, poles or other designation to adequately and clearly mark areas to avoid because of hazards from tree wells;
- f. In failing to adequately educate and inform their customers and potential customers about tree wells and the dangers they present including the risk of death;
- g. In failing to adequately educate and inform their customers and potential customers how to avoid the dangers presented by tree wells;
- h. In failing to employ sufficient numbers of adequately trained and equipped personnel to safely monitor open areas where hazards from tree wells existed and, if necessary, timely rescue persons from tree wells;
- i. In failing to place personnel in key positions, such as at the bottom and top of the chairlifts to inform customers of the prevalence and increased danger of tree well hazards at the Mt. Bachelor Ski Resort;
- j. In failing to provide adequate warnings to their customers about tree wells and the dangers they present including the risk of death; and

1 k. In failing to adequately train their employees, staff and persons working at the Mt.  
2 Bachelor Ski Resort.

3 9.

4 On or about March 2, 2018, defendants were negligent and failed to protect Nicole Panet-  
5 Raymond in one or more of the following particulars:

6 a. In failing to limit the number of open areas at times when hazards from tree wells  
7 were present;

8 b. In failing to adequately inspect for tree wells into which customers might fall,  
9 become buried in snow, trapped and suffocate to death;

10 c. In failing to adequately monitor the tree wells and assess the risks they presented  
11 on an ongoing basis;

12 d. In failing to close areas to skiing and snowboarding when hazards from tree wells  
13 were present, including the area where Nicole Panet-Raymond was skiing at the  
14 time she fell into the tree well;

15 e. In failing to place rope lines, poles or other designation to adequately and clearly  
16 mark areas to avoid because of hazards from tree wells;

17 f. In failing to adequately educate and inform their customers and potential customers  
18 about tree wells and the dangers they present including the risk of death;

19 g. In failing to adequately educate and inform their customers and potential customers  
20 how to avoid the dangers presented by tree wells;

21 h. In failing to employ sufficient numbers of adequately trained and equipped  
22 personnel to safely monitor open areas where hazards from tree wells existed and,  
23 if necessary, timely rescue persons from tree wells;

24 i. In failing to place personnel in key positions, such as at the bottom and top of the  
25 chairlifts to inform customers of the prevalence and increased danger of tree well  
26 hazards at the Mt. Bachelor Ski Resort;



