

# Skier alleges she was injured by Heavenly employee boarding on job

By Martha Bellisle

mbellisle@rgj.com

A skier who was injured when a Heavenly Ski Resort employee ran into her while on his snowboard last January is suing the resort's owners, claiming Vail Resorts Inc. is liable for its employee's alleged negligence.

Skier Kimberly Bland, on vacation from Florida, was stopped on the lower Olympic downhill run on the Nevada side of the resort, at about 3:50 p.m. on Jan. 18, trying to decide where to ski next, when Heavenly lift operator Daniel Barreno crashed into Bland on his snowboard, the suit said.

Barreno violated several Nevada laws, the suit said, including one requiring skiers and snowboarders to stay in control and to give the right-of-way to someone on the trail ahead of him.

The suit, which seeks at least \$350,000 in damages, plus costs and fees, also names Heavenly Valley Limited Partnership and Barreno.

Russ Pecoraro, director of communications for Heavenly Ski Resort and a spokesman for Vail Resorts, said they do not comment on pending litigation. He said Barreno no longer

## NEVADA SKIER AND SNOWBOARDER SAFETY LAWS

» Skiers and snowboarders must not throw or intentionally drop anything from a chair lift

» Skiers and snowboarders must avoid others on the slope

» Skiers and snowboarders must maintain control of his or her speed to avoid downhill objects, skiers or snowboarders

» Skiers and snowboarders must use a strap or braking device to keep their ski or board from running away

» Skiers and snowboarders must not stop in a spot that obstructs a slope, run or trail, or where he or she is not safely visible to uphill skiers and snowboarders.

» Skiers and snowboarders are prohibited from skiing and boarding while drunk or high on drugs

Source: Nevada Revised Statutes 455A.087 to 455.190

works for Heavenly but declined to comment on when he left his post as a lift operator or why.

Vail Resorts operates Heavenly and Northstar California Resort in the Reno-Tahoe area.

Bland, a paramedic in the Miami area, was knocked unconscious by the impact and was taken by ambulance to the Barton Hospital emergency department, said the lawsuit filed Wednesday in U.S. District Court in Reno.

She suffered injuries to her head, neck, shoulder and back, the suit said.

"She's about to have shoulder surgery," said her Minden-based lawyer, J.D.

Sullivan. "Her life dream was to become a fireman. She hopes this surgery will help her move toward that dream."

An initial CT scan of her lumbar spine showed disc bulges, the suit said. She also suffered shoulder and back pain that impacted her ability to bathe, shower, dress, sleep, drive, sit or bend over, the suit said.

She has undergone physical therapy, needs surgery and has been forced to take pain medication that sometimes makes her sick, the suit said. She also has suffered severe emotional distress and has become depressed, the suit said.

At the time of the crash,

Barreno was a lift operator but was snowboarding down the mountain, the suit said. According to the collision report form, Barreno said he looked uphill, "but failed to see the downhill skier at the time to avoid crashing into her," the suit said.

"As an employee of Heavenly, Mr. Barreno was well aware, or should have been well aware, of the posted rule that downhill skiers, i.e. skiers ahead, have the right of way," the suit said.

Attached to the lawsuit was a photograph of one of the signs posted at Heavenly, which shows an arrow pointing to the lower of two skiers, with a note saying, "People ahead of you have the right of way."

"Mr. Barreno's unsafe, out-of-control skiing was the sole proximate cause of the accident," the suit said. "Kimberly was properly stopped on the mountain, in a safe place on the run, where she could be easily observed by uphill skiers/boarders, and she violated no rules or laws."

Because Barreno was on the job, Vail Resorts and Heavenly are liable, the suit said.

"In effect, Heavenly itself crashed into Kimberly," the suit said.