
WRITING ASSIGNMENT

Speedy Express's Express Assumption of Risk

Super Family Fun World is a theme park that has just completed work on the Speedy Express: the world's tallest, fastest, and steepest roller coaster.

On the day that the Speedy Express is to debut, Super Family Fun World is requiring special tickets to ride the new coaster. The tickets, distributed for free to any park patron willing to stand in line, contain the following legend on the back in 6-point type:

WELCOME TO SUPER FAMILY FUN WORLD (SFFW) AND THE "SPEEDY EXPRESS" ROLLER COASTER! By using this ticket you EXPRESSLY ASSUME THE RISK of injury resulting from any negligence, whether gross or ordinary, and you release SFFW from all liability. You acknowledge that riding the Speedy Express is a dangerous and risky endeavor that could lead to serious injury or death.

(Note that the typeface above has been magnified to twice its original size.)

When the first trainload of giddy park patrons departs the station, there is applause and cheering. Awed spectators watch as the red and silver train climbs the lift, crests the hill, and plunges downward.

As the roller coaster hits 86 miles per hour, however, things go awry. Vibrations cause a never-secured, never-checked bolt to come loose, springing the lapbar locks. The lapbars for all 18 riders suddenly pop up. At the bottom of the hill, the train enters a sharp left turn. The centripetal force causes all 18 rider to be ejected from the train to the right, where they fall approximately 12 feet into a pond. All are injured, many badly.

QUESTION:

Analyze the validity of the express assumption of the risk defense for Super Family Fun World in a negligence suit.

Special instructions: Answer this question as you would an exam question. You must type your response using the supplied template and print it on 8.5-by-11 paper. Your response may not exceed 200 words and must stay on one page.