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THIRD JUDICIAL DISTRICT COURT OF SUMMIT COUNTY
STATE OF UTAH

TERRY SANDERSON,

Plaintiff,

vs.

GWYNETH PALTROW; ERIC
CHRISTIANSEN; DEER VALLEY RESORT
COMPANY, LLC; and JANE AND JOHN DOE
EMPLOYEES 1 AND 2,

Defendants.

**COMPLAINT & JURY DEMAND
(TIER 3)**

Case No. _____

Judge _____

Plaintiff, Terry Sanderson (“Terry” or “Dr. Sanderson”) complains against

Defendants and alleges as follows:

BRIEF FACTUAL SUMMARY

This case involves a hit-and-run ski crash at Deer Valley, Utah, where Defendant Gwyneth Paltrow skied out of control and hit the back of Terry Sanderson, another skier, who

was downhill, knocking him down hard, knocking him out, and causing a brain injury, four broken ribs and other serious injuries. Paltrow got up, turned and skied away, leaving Sanderson stunned, lying in the snow, seriously injured. A Deer Valley ski instructor, who had been training Ms. Paltrow, but who did not see the crash, skied over, saw the injured Sanderson and skied off, falsely accusing Sanderson of having caused the crash. He also failed to send help, as he was obligated to do, and later filed a false report to protect his client, Ms. Paltrow. Neither Ms. Paltrow nor Deer Valley lodge personnel notified emergency responders about the injured Dr. Sanderson. They left him at the scene with serious brain injuries caused by Ms. Paltrow. No one from Paltrow's group, including at least two Deer Valley-employed instructors, bothered to call the ski patrol to assist the severely injured Dr. Sanderson. Later, Deer Valley ski instructor, Eric Christiansen, filled out and signed an incident report falsely stating that Gwyneth Paltrow did not cause the crash even though Mr. Christiansen did not see the crash. These negligent actions by Defendants including Gwyneth Paltrow and Deer Valley caused Dr. Sanderson additional emotional distress.

JURISDICTION AND VENUE

1. The acts upon which this Complaint are based occurred in Summit County, State of Utah.
2. The amount at issue exceeds \$20,000, exclusive of costs. Pursuant to Article VIII, §5 of the Utah Constitution, Utah Code Ann. §78A-5-102(1), this Court has jurisdiction over this case.
3. The acts, omission or both that Plaintiff complains of, and the resulting injuries and damages, occurred in Summit County, Utah.
4. Venue in this Court is proper pursuant to Utah Code Ann. §78B-3-

307(1)(a) and §78B-3-307(3).

5. Pursuant to Rule 26(c) of the Utah Rules of Civil Procedure, Plaintiffs allege that the value of damages in this case is more than \$3,100,000, and, therefore, the case should be designated a Tier 3 case.

PARTIES

6. Plaintiff Terry Sanderson resides in Salt Lake County, State of Utah.

7. Defendant Gwyneth Paltrow was in Summit County, Utah, at all relevant times, and upon information and belief resides in Los Angeles County, State of California.

8. Defendant Eric Christiansen resides in Summit County, Utah, and was employed by Defendant Deer Valley Resort Company, LLC (“Deer Valley”).

9. Defendant Deer Valley Resort Company, LLC (“Deer Valley”), is a Utah limited liability company, that operates a ski resort in Summit County, State of Utah.

10. Defendants, Jane and John Does 1 and 2 (“Does 1 and 2”), are employees of Defendant Deer Valley who were with Defendants Gwyneth Paltrow and her group and Eric Christiansen on the day of the ski crash when Gwyneth Paltrow hit and injured Plaintiff.

GENERAL ALLEGATIONS

11. On or about February 26, 2016, Plaintiff Terry Sanderson, although an experienced skier, was skiing at Deer Valley on a green, beginner run known as Bandana.

12. Above and behind Dr. Sanderson were Defendants Gwyneth Paltrow, Eric Christiansen, and Does 1 and 2 along with family and friends of Gwyneth Paltrow.

13. Gwyneth Paltrow was skiing out of control.

14. Gwyneth Paltrow was skiing too fast for her ability on a beginner run.

15. Gwyneth Paltrow was distracted.

16. Upon information and belief, Gwyneth Paltrow was skiing in a group of skiers including family, friends and Deer Valley employees that were skiing to the bottom of the hill to meet others for lunch at the Montage Lodge at Deer Valley.

17. Upon information and belief, Deer Valley employees including Defendants Christiansen, Doe 1 and possibly Doe 2 were instructing and guiding Gwyneth Paltrow and her family and her friends in a group while they skied down the ski slope.

18. Gwyneth Paltrow, Deer Valley and its employees including without limitation Defendants Christiansen, Doe 1 and Doe 2 owed a duty to other skiers, especially downhill skiers such as Dr. Sanderson, to ski safely, in control, while maintaining a lookout for other skiers.

19. These duties were especially important as the party came to the part of the hill, where the Bandana trail was located.

20. All Defendants owed a duty to Dr. Sanderson to notify ski patrol or other emergency responders about the crash that left Sanderson injured on the slope, regardless of the cause.

21. Gwyneth Paltrow knew it was wrong to ski out of control too fast for her ability and distracted, but she did it anyway.

22. Gwyneth Paltrow knew that a down hill skier almost always has the right of way, and Sanderson was downhill from Paltrow, when she approached Sanderson.

23. Gwyneth Paltrow knew it was wrong to slam into Dr. Sanderson's back, knocking him down, landing on top of him, knocking him out and then leave the scene of the ski crash she caused, but she did it anyway.

24. Eric Christiansen, a Deer Valley ski instructor, knew it was wrong to scream at Dr. Sanderson after he was knocked down and injured by Gwyneth Paltrow, but he did it anyway.

25. Eric Christiansen and other Deer Valley employees, including Does 1 and 2, who witnessed some or all of the ski crash, knew it was wrong to ski away from Dr. Sanderson after he was hit and injured by Gwyneth Paltrow and not call for ski patrol or other emergency responders, but they did it anyway.

26. These activities by Defendants would have been inappropriate regardless of whether Paltrow was the uphill or downhill skier. Defendants never should have left an injured person on the hill without assistance.

27. Eric Christiansen knew it was wrong to falsely report on an official incident report that Gwyneth Paltrow did not cause the ski crash that he did not see, but he did it anyway.

28. Defendants Eric Christiansen, Doe 1 and Doe 2, and the employees and agents of Deer Valley and Gwyneth Paltrow who were skiing with her on or about February 26, 2016, were acting within the course and scope of their employment, and Deer Valley and Gwyneth Paltrow are vicariously liable for their actions as alleged herein.

29. Deer Valley and its employees knew it was wrong to cover up in incident reports and in other ways the true circumstances of this ski crash caused by Gwyneth Paltrow, but they did it anyway.

30. As a direct and proximate result of Defendants' negligence, Plaintiff suffered physical and mental injuries including permanent traumatic brain injury, 4 broken ribs, pain, suffering, loss of enjoyment of life, emotional distress and disfigurement, and Plaintiff will

continue to suffer injuries and damages in the future due to the negligence of Defendants.

31. As a direct and proximate result of Defendants' negligence, Plaintiff incurred medical expenses and additional life care expenses due to injuries caused by Defendants. Plaintiff will incur additional expenses, losses and economic and noneconomic damages in the future due to the negligence of Defendants.

FIRST CAUSE OF ACTION – NEGLIGENCE

~ Gwyneth Paltrow ~

32. Plaintiff re-alleges and incorporates by reference herein all other allegations in this complaint.

33. Defendant Gwyneth Paltrow had a duty to ski safely, but she negligently breached that duty by skiing unsafely, striking a downhill skier, Plaintiff, in the back, knocking him down, landing on top of him, and causing him to suffer a concussion, brain injury and 4 broken ribs.

34. As a direct and proximate cause of Gwyneth Paltrow's breach of her duties of care, Plaintiff has suffered and will continue to suffer damages, including both economic and non-economic damages related to the ski crash in excess of \$3,100,000.

SECOND CAUSE OF ACTION – NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS

~ All Defendants ~

35. Plaintiff re-alleges and incorporates by reference herein all other allegations in this complaint.

36. Defendants Gwyneth Paltrow, Deer Valley, Eric Christiansen, Doe 1 and Doe 2 neglectfully caused emotional distress to Plaintiff.

37. These Defendants should have realized that ignoring, denying assistance

to, and skiing away from Plaintiff after Paltrow struck and injured Plaintiff in a ski crash would cause Plaintiff emotional distress in addition to the physical injuries he suffered in the crash.

38. These Defendants realized and/or should have realized that “hitting and running” away after Paltrow struck and injured Plaintiff, leaving him alone and later denying or covering up the fact that Paltrow caused the crash would distress Plaintiff and cause him illness and bodily harm.

39. Shortly after the crash, Plaintiff asked Deer Valley employees what had happened, what records Deer Valley had, and what Deer Valley was doing to investigate the crash. Deer Valley produced false information to Plaintiff indicating that Paltrow did not cause the ski crash that injured Plaintiff, as described above. This false information along with the false accusations of Eric Christiansen right after the crash when he screamed at Plaintiff, “What did you do?!” caused Plaintiff to suffer severe distress resulting in mental and physical harm to Plaintiff including anxiety, depression and other health problems.

40. As a direct and proximate result of these Defendants' breach of their duties of care, Plaintiff has suffered and continues to suffer damages, including economic and non-economic damages related to the negligent infliction of emotional distress by Defendants on Plaintiff.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants for damages such as to qualify for Tier 3 under Rule 26(c)(3), Utah Rules of Civil Procedure, at least as follows:

1. For non-economic damages in an amount to be proven at trial, including but not limited to, pain and suffering, loss of enjoyment of life, emotional distress, disfigurement

and such other damages as are allowed by law;

2. For economic damages in an amount to be proven at trial, including past and future medical expenses, life care expenses, out-of-pocket expenses, and other economic damages as allowed by law;

3. For pre-judgment interest on the damages assessed by the verdict of the jury pursuant to Utah Code Section 78B-5-824, as amended;

4. For punitive damages as allowed by law;

5. For costs of suit herein;

6. For attorney fees as may be appropriate and allowable at law;

7. For such other and further damages and relief as are just and proper in the premises, and available under the law.

DATED this 29th day of January 2019.

/s/ Robert B. Sykes
ROBERT B. SYKES
Attorney for Plaintiff

/s/ Lawrence D. Buhler
LAWRENCE D. BUHLER
Attorney for Plaintiff

/s/ C. Peter Sorensen
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