

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

TREVOR OVERSTREET,

and

PAIGE OVERSTREET

Plaintiffs,

v.

GOLD MINE TOURS, INC

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiffs Trevor Overstreet and Paige Overstreet, by and through undersigned counsel, for their Complaint against Defendant Gold Mine Tours, Inc., allege as follows:

I. NATURE OF THE ACTION

- 1) This is a civil action for damages arising under the Colorado Premises Liability Act, C.R.S. § 13-21-115, which provides an exclusive remedy against a landowner for injuries occurring on the landowner's property.
- 2) This action arises from a catastrophic and preventable incident that occurred on October 10, 2024, during a guided underground mine tour operated by Defendant at the Mollie Kathleen Mine, located at 9388 Highway 67, Cripple Creek, Colorado 80813.
- 3) Plaintiffs were invitees on Defendant's property and were injured when a two-skip mine elevator system malfunctioned while descending a mine shaft to the bottom of the mine, resulting in the death of Defendant's employee and tour guide, Patrick Weier (Mr. Weier), and causing violent forces, debris intrusion, direct exposure to blood, and severe physical and psychological injuries to Plaintiffs.

II. PARTIES

- 4) Plaintiffs Trevor Overstreet (Trevor) and Paige Overstreet (Paige) are married and the parents of three minor children who, at the time of the incident on October 10, 2024, were ten-month-old twins and a three-and-one-half-year-old child.
- 5) Trevor is a natural person and a citizen of the State of Indiana, residing at 2045 Foxmoor Ln., Lafayette, IN 47905.
- 6) Paige is a natural person and a citizen of the State of Indiana, residing at 2045 Foxmoor Ln., Lafayette, IN 47905.
- 7) Defendant Gold Mine Tours, Inc. is a Colorado corporation with its principal place of business in Colorado. At all relevant times, Defendant owned, operated, managed, possessed, or otherwise controlled the premises known as the Mollie Kathleen Gold Mine Tour located in or near Cripple Creek, Teller County, Colorado.

III. JURISDICTION AND VENUE

- 8) This Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332(a) because the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different States.
- 9) Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in the District of Colorado, including in Teller County, Colorado.
- 10) Personal jurisdiction is proper because Defendant is incorporated and has its principal place of business in Colorado, and the events at issue occurred in Colorado.

IV. FACTUAL ALLEGATIONS

A. PLAINTIFFS' PRESENCE IN COLORADO AND DECISION TO ATTEND THE MINE TOUR

- 11) Trevor and Paige traveled to Colorado in October 2024 to attend a wedding.

- 12) While visiting Colorado, friends encouraged Trevor and Paige to attend Defendant's Molly Kathleen Mine tour, which was repeatedly described as a "can't miss" experience.
- 13) Trevor and Paige elected to participate in the tour, reasonably relying on Defendant's operation of the mine as a public, tourist-oriented attraction represented as safe and professionally managed.
- 14) Trevor and Paige were not warned of any unusual or extraordinary danger associated with the mine elevator system prior to entering the mine.

B. DEFENDANT'S PUBLIC INVITATION AND RELIANCE

- 15) Upon information and belief,¹ Defendant marketed and held out the mine tour as a premier tourist attraction suitable for members of the public, including out-of-state visitors.
- 16) Upon information and belief, Defendant cultivated and benefited from a reputation for safety and reliability, inducing visitors such as Trevor and Paige to rely on the tour being reasonably safe.
- 17) Prior to the incident which is the subject of this Complaint, Defendant publicly promoted the tour as safe, as follows:
 - a) In a YouTube video, a Mollie Kathleen Mine tour guide said he felt safer underground than he did on the surface.²
 - b) A sign in the video states, in part, that the mine is "fascinating, educational, authentic, safe, clean, and dry." See Plaintiffs' Exhibit 1.
 - c) The sign is mounted directly on the mine's hoist headframe and hoisting structure, the same load-bearing steel infrastructure used to raise and lower the passenger skips approximately 1,000 feet into the mine. See Exhibit 2.³

¹ Any assertion of fact in this Complaint that is based on information and belief are pleaded upon information and belief because the relevant facts are uniquely or primarily within Defendant's possession, custody, and control and will be confirmed through discovery, including maintenance records, policies and procedures, employee training materials, incident reports, and witness testimony.

² "Molly Kathleen Gold Mine," YouTube (Ray Harless channel) (posted Jun 12, 2016), <https://youtu.be/0nkprjtaTbY?si=LKVFa0eBIaJ2EuCW> (last visited Dec. 15, 2025).

³ This exhibit is a screenshot from another YouTube video: "Journey 1000 ft. Underground - Mollie Kathleen Gold Mine - Cripple Creek - 1st person view," YouTube (posted Aug 5, 2016) (creekdalton channel), https://youtu.be/Y1x_7kNwbU4?si=am9RMFtnfU9TnLU4, (last visited Dec. 15, 2025).

C. THE TWO-SKIP ELEVATOR SYSTEM AND TOUR OPERATIONS

- 18) The tour utilized a vertically stacked skip hoisting system.
- 19) “Vertically stacked skip hoisting system” means a vertical mine hoisting system utilizing skip conveyances operated by a common hoist, in which one skip is positioned above another within the same hoisting path, and both are raised or lowered together, as recognized in standard mining practice and mine-safety regulation of hoisting systems.
- 20) Defendant’s employee, Mr. Weier, was the designated tour guide assigned to Trevor and Paige’s tour and was acting within the course and scope of his employment.
- 21) At all relevant times, Mr. Weier was an employee of Defendant and was acting within the scope and course of his employment, including while performing assigned duties related to the loading and operation of the mine skips.
- 22) At the outset of descent, Mr. Weier was inside the bottom skip with Trevor and Paige.
- 23) The bottom skip was equipped with a sliding metal door and a latching mechanism intended to secure the door during descent. The door included an opening allowing the tour guide to ring a bell signaling the hoist operator.

D. OVERCROWDING, DOOR FAILURE, AND MALFUNCTION

- 24) The bottom skip was cramped, containing six tourists and the tour guide, limiting movement and space.
- 25) On the date of the incident, Paige was 6’ 1” tall and weighed 210 pounds.
- 26) On the date of the incident, Trevor was 6’ 3” tall and weighed 250 pounds.
- 27) Mr. Weier, per his autopsy report, was 6’ 1” and 189 pounds.
- 28) The other four occupants of the bottom skip were large sized people, as well.
- 29) On October 10, 2024, a supervisor requested Teller County Sheriff’s Office Detective Heike Karr to assist with the investigation of the incident that is the basis of this Complaint.

- 30) On October 10, 2024, Detective Karr interviewed Defendant's employee Mark Snare.
- 31) At all relevant times, Mr. Snare was an employee of Defendant and was acting within the scope and course of his employment, including while performing assigned duties related to the loading and operation of the mine skips.
- 32) Mr. Snare told Detective Karr the following, per Detective Kerr's report:
- a) He was the hoist operator during the incident.
 - b) He loaded the top skip.
 - c) He could not precisely remember how many people he loaded in the top skip but believes it was 7.
 - d) Once he loaded the top skip, he went back to the hoist house and raised the top skip up.
 - e) Patrick loaded the bottom skip and there were 6 people and Patrick in the bottom skip.
 - f) He didn't notice anything unusual besides being tight inside the bottom skip.
 - g) Once they were loaded and the bell rang, he let the elevator descend.
 - h) At around 500 feet into the descent, he heard a bell and stopped the elevator.
 - i) He couldn't tell Detective Karr the limit of people that could be in a skip because it depended on their size.
- 33) On October 10, 2024, Detective Karr also interviewed Defendant's employee Trent Lanning.
- 34) Trent Lanning is the mine manager.
- 35) Trent Lanning told Detective Karr the following, per Detective Kerr's report:
- a) The top and bottom skips had the same sliding door system.
 - b) The bottom skip door had an opening for the tour guide to be able to reach to the outside to ring the bell.
 - c) Surveillance footage of the incident exists.
- 36) Detective Karr viewed the surveillance footage.
- 37) Detective Karr wrote the following in her report from what she saw on the surveillance footage:
- a) Mark Snare loaded the top skip.
 - b) After loading the top skip, Mr. Snare returned to the hoist house.
 - c) Mr. Weier then walked toward the skip.

- d) Mr. Weier closed the door to the top skip.
 - e) The top skip was then hoisted upward so that Mr. Weier could load the bottom skip.
 - f) After the top skip was hoisted, Mr. Weier loaded the bottom skip.
 - g) Mr. Weier first loaded three passengers into the bottom skip.
 - h) Mr. Weier then loaded an additional three passengers into the bottom skip.
 - i) Mr. Weier then loaded an additional three passengers into the bottom skip.
 - j) Trevor and Paige were two of the six passengers in the bottom skip.
 - k) Mr. Weier then stepped into the bottom skip.
 - l) While inside the bottom skip, Mr. Weier reached over with his right hand in an apparent attempt to close the sliding door.
 - m) It appeared that Mr. Weier had difficulty closing the sliding door.
 - n) Mr. Weier stepped back out of the skip and then stepped back into the skip.
 - o) It appeared that the foot of a female tourist standing to the right of the door was obstructing the door's closure.
 - p) It appeared the female tourist moved her foot out of the way.
 - q) After stepping back into the skip, Mr. Weier again attempted to close the sliding door.
 - r) Mr. Weier reached over with his right hand and grabbed the door in an apparent attempt to slide it shut.
 - s) After the door appeared to be shut, Mr. Weier reached with his left hand outside the door opening to ring the bell.
 - t) It did not appear that Mr. Weier was sliding the latch to secure the door, which was located on the right side of him.
 - u) It appeared that Mr. Weier could barely move his right hand in front of him to slide the door.
- 38) Mr. Trent Lanning told Detective Karr that the purpose of the latch was to secure the door in place which would prevent the door from opening during descent into the mine.
- 39) Paige was the female tourist standing to the right of the door to the bottom skip.
- 40) Trevor and Paige saw that Mr. Weier was having difficulty sliding the latch to secure the door.
- 41) Trevor and Paige assumed that the latch was not presenting a safety issue once Mr. Weier gave the signal to descend.
- 42) The two skips then descended.

- 43) During the descent, violent forces resulted, and Mr. Weier suffered catastrophic mortal injury.
- 44) During her October 10, 2024, investigation of the incident, Detective Karr, Deputy Coroner Wadham, OSHA Safety Specialist Shane Lane, and the mine owner Dennis Lanning rode on top of the top skip down inside the shaft to take a closer look as to what had happened.
- 45) After her interviews and inspection of the mine shaft, Detective Karr wrote the following findings in her report:
- a) Mr. Weier said, “I can’t stop it, oh shit, oh shit”.
 - b) Per Sonja Gomez to Detective Karr, another tourist in the bottom skip, Mr Weier said, “oh no, there was nothing he (sic) could do” “oh shit, oh shit” “oh fuck.”
 - c) Per Paige to Detective Karr, “fuck, this isn’t good, this isn’t good, shit” “I can’t stop this, it won’t stop on its own.”
 - d) Mr. Weier was standing right by the edge of the door to the bottom skip during the descent.
 - e) Mr. Weier grabbed the cable to ring the bell to stop the elevator.
 - f) Mr. Weier pulled the bell.
 - g) He believes that when Mr. Weier rang the bell, he fell out of the skip, trapped between the wood wall and frame of the skip, which instantly resulted in his mortal injuries.
 - h) Mr. Weier’s body was pulled up and landed on the top of the top skip.
 - i) It appeared to Detective Karr and the others that the door to the bottom skip came off the track when the elevator descended, due to not being properly secured by the latch.
 - j) The door to the bottom skip then swung out hitting the wood wall,
 - k) They concluded that the door swung out, hitting the wood wall, scraping downward while bending upward, creating a J shape.
- 46) The door ended up hitting Paige on the head, knocked her unconscious, and pressed up against her, pinning her to the side of the skip.
- 47) Mr. Weier’s blood dripped onto the passengers of both skips, including Trevor and Paige.

E. ADDITIONAL ALLEGATIONS PLEADED UPON INFORMATION AND BELIEF

Prior Knowledge of Door/Latch Hazards

- 48) Upon information and belief, prior to the incident, Defendant—through its agents and employees—possessed actual knowledge of recurrent difficulties with the elevator/skip

sliding door and/or latching mechanism, including difficulty securing the door prior to descent and the risk that an unsecured or misaligned door could contact the shaft wall during operation.

Prior Complaints and Notice

- 49) Upon information and belief, prior to the incident, Defendant received complaints, incident reports, or other notice from guests, employees, regulators, or internal personnel regarding one or more of the following conditions:
- a) difficulty closing or latching the skip door.
 - b) overcrowded or cramped loading conditions that impeded proper door securement; and/or
 - c) abnormal or irregular skip movement or operation.
 - d) Despite such notice, Defendant failed to take corrective measures reasonably calculated to eliminate or guard against these hazards.

Inadequate Policies and Procedures

- 50) Upon information and belief, Defendant's written policies and procedures governing tour operations did not contain adequate, enforced, and auditable requirements to:
- a) verify and confirm proper latching and securement of the skip door prior to descent;
 - b) prevent overcrowding or positioning that could obstruct door operation;
 - c) require redundancies, interlocks, or other safeguards to prevent descent if the door was not fully secured; and/or
 - d) require prompt suspension of operations upon indications of door or skip irregularities.

Training and Competency Failures

- 51) Upon information and belief, Defendant failed to provide adequate initial training, recurrent refresher training, and competency verification for employees responsible for loading, securing, signaling, operating, and monitoring the elevator/skip system, including training designed to prevent descent unless the door was fully secured and to detect and respond promptly to door or skip anomalies.

Operational Non-Compliance and Supervision

- 52) Upon information and belief, on the date of the incident, one or more of Defendant's employees failed to comply with applicable safety protocols governing the loading, securement, signaling, operation, or monitoring of the elevator/skip system, and Defendant failed to adequately supervise, enforce, or discipline compliance with those protocols, thereby allowing unsafe practices to persist.

Inspection and Maintenance Deficiencies

53) Upon information and belief, Defendant's inspection and maintenance program failed to include reasonable measures to identify, track, and remediate recurring door, latch, or skip-operation anomalies and failed to implement engineering or administrative controls reasonably available to reduce or eliminate the known hazards.

Feasibility of Preventive Measures

54) Upon information and belief, reasonable and feasible measures existed prior to October 10, 2024, that would have materially reduced the risk of the subject harm, and any post-incident remedial measures undertaken by Defendant demonstrate the feasibility of such measures, Defendant's control over the conditions at issue, and Defendant's prior ability to prevent the incident.

F. MEDICAL AND PSYCHOLOGICAL CONSEQUENCES

55) As a direct result of the blood exposure, physical trauma, and terror experienced during the incident, Trevor and Paige underwent serial bloodborne pathogen testing at approximately six weeks, three months, and six months following the incident.

56) Although test results were ultimately negative, Trevor and Paige endured months of fear, anxiety, and emotional distress while awaiting results.

57) During this time awaiting test results, Trevor and Paige were especially concerned about passing any infectious disease they might have caught from Mr. Weier's bodily fluids on to their children

58) Trevor and Paige have suffered and continue to suffer lasting physical and psychological injuries, including symptoms consistent with post-traumatic stress, which have interfered with their daily functioning, sleep, emotional well-being, and quality of life.

59) Surgical intervention has been recommended for both Trevor and Paige; however, due to their responsibility to care for three young children, such treatment has been delayed, prolonging pain and impairment.

G. DEFENDANT’S DUTIES AND BREACH

- 60) At all relevant times, Defendant owed invitees, including Trevor and Paige, a duty to exercise reasonable care to protect against dangers on the property of which it knew or should have known, including by inspection, maintenance, operation, supervision, training, and adequate warning.
- 61) Defendant unreasonably failed to exercise reasonable care to protect Trevor and Paige, including by:
- a) Failing to properly inspect, maintain, repair, and operate the tour elevator/skip and its door/latching mechanism;
 - b) Failing to implement and enforce adequate safety policies, procedures, redundancies, and crowd-management practices;
 - c) Failing to properly train and supervise employees responsible for loading, securing, and operating the elevator/skip system;
 - d) Failing to warn invitees of non-obvious risks associated with the elevator system and descent.

V. CAUSATION AND DAMAGES

- 62) As a direct and proximate result of Defendant’s unreasonable failure to exercise reasonable care, Trevor and Paige sustained injuries and damages, including:
- a) Past and future medical expenses;
 - b) Physical pain and suffering, mental anguish, and loss of enjoyment of life;
 - c) Physical impairment and/or disfigurement;
 - d) Other economic and non-economic losses to be proven at trial.

VI. CLAIM FOR RELIEF

PREMISES LIABILITY – C.R.S. § 13-21-115

- 63) Trevor and Paige incorporate by reference the preceding paragraphs as if fully set forth herein.
- 64) Defendant was a “landowner” as defined by C.R.S. § 13-21-115 because it owned, occupied, possessed, managed, or controlled the premises and/or was legally responsible for the condition of the premises or activities conducted or circumstances existing thereon.

- 65) Trevor and Paige were invitees on the premises because they were expressly invited and admitted onto the property as paying guests for their own enjoyment and for Defendant's business purposes and economic benefit.
- 66) Under C.R.S. § 13-21-115, Defendant is liable for damages caused by its unreasonable failure to exercise reasonable care to protect invitees, including Trevor and Paige, against dangers on the property of which Defendant knew or should have known, as set forth above.
- 67) Defendant's breach was a proximate cause of Trevor and Paige's injuries and damages.

VII. PRAYER FOR RELIEF

- 68) WHEREFORE, Trevor and Paige respectfully request that the Court enter judgment in their favor and against Defendant as follows:
- a) Compensatory damages in an amount to be determined at trial;
 - b) Past and future medical expenses;
 - c) Damages for permanent physical impairment and/or disfigurement;
 - d) Non-economic damages, including pain and suffering, emotional distress, and loss of enjoyment of life;
 - e) Damages for loss of consortium;
 - f) Damages for loss of household services;
 - g) Prejudgment and post judgment interest as allowed by law;
 - h) Costs of suit, including expert witness fees, as allowed by law;
 - i) Attorneys' fees as allowed by law;
 - j) Such other and further relief as the Court deems just and proper.

VIII. JURY DEMAND

Trevor and Paige demand a trial by jury on all issues so triable.

Dated December 17, 2025

Respectfully submitted,

MARTIN CONTI LAW

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