

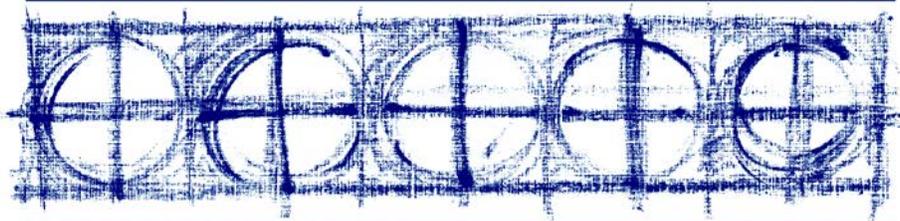
Idaho Law Foundation Law Related Education Program

2014

Idaho High School Mock Trial Program

Case Materials

IDAHO LAW FOUNDATION



Helping the profession serve the public

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Disclaimer

This is a work of fiction. With the exception of Evel Knievel, whose attempt to jump the Snake River Canyon provided the inspiration for the 2014 Idaho High School Mock Trial problem, the names, characters, businesses, organizations, places, events and incidents herein are either the product of the authors' imaginations or are used fictitiously. Some exhibits included with this case are adapted from actual stories, events, or documents. These items are used fictitiously for purposes of this mock trial.

Version Changes

1. Version 1.0, dated November 15, 2013 does not include any changes.
2. Version 2.0, dated February 5, 2014 includes the following changes:
 - A. Changes several instances of "he" and "him" to "s/he" and "him/her". Please note that if any instances where the language is not gender neutral remain in the materials, these are in error. All witnesses should be considered to be played by either gender.
 - B. Fixed a typo in Exhibit 1
 - C. Fixed typos in Exhibit 3
 - D. Fixed a typo in Exhibit 6
 - E. Fixed a typo in Exhibit 8
 - F. Changed the venue from Boise to Twin Falls and the date from September 4, 2012 to September 8, 2012 in Exhibit 11
 - G. Changed the date from September 4, 2012 to September 8, 2012 in Exhibit 12.
 - H. Jury Instruction No. 2 has been changed. The first paragraph now reads: "The Plaintiff, the City of Twin Falls, claims that the Defendant, Yancy "Yolo" Olson, was negligent, and that the Defendant's negligence resulted in injuries to the Plaintiff. The Plaintiff has the burden of proof on each of the following propositions:"
 - I. Jury Instruction No. 3 has been clarified. The third element of negligence has been removed from the instruction.

Introduction & Acknowledgements

15 November 2013

Dear Mock Trial Teams,

Welcome to the *2014 Idaho High School Mock Trial* season! All of us at the Idaho Law Foundation look forward to working with you throughout the mock trial season.

The Mock Trial Committee is excited to provide you the opportunity to try this civil case that includes allegations of breach of contract and negligence. Evel Knievel's attempted jump across the Snake River Canyon in 1974 serves as the inspiration for this case, but it is, so to speak, only a launching point for our mock trial problem. Our hope is that this case will give you the chance to grapple with some legal issues while getting to know some fun and interesting characters.

The materials included here were developed by the 2014 Idaho Mock Trial Subcommittee including Greg Dickison, Lori Fleming, Jessica Lorello, and Ali Nelson. The materials were reviewed by Mike Fica, Dave Lloyd, Hon. Melissa Moody, Jodi Nafzger, Ellen Smith, Joan Thompson, and a group of law students from Concordia Law School, coordinated by John McCrostie. Thank you to everyone for your hard work, dedication, and invaluable assistance. You made both the process and the case a lot of fun!

Mock trial could not operate without the generous underwriting of our donors. The Law Foundation would like to thank the many individuals and organizations who provide ongoing support for mock trial.

As you participate in the mock trial season, please remember the over 100 people, including Law Foundation staff and volunteers, make this competition possible. Your teacher sponsor and attorney coach will likely spend countless hours helping you prepare for competition. You will also meet judges, coordinators, and staff members who gladly give their time to support the mock trial program. Make sure you thank all these people for their commitment to making the mock trial program a wonderful experience for you.

Please feel free to contact me at (208) 334-4500 or cshoufler@isb.idaho.gov with any questions or concerns at any time throughout the season. Best of luck to you and your team as you prepare for the 2014 mock trial season.

Cheers!



Carey A. Shoufler
Law Related Education Director

Complaint

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Attorneys for the Plaintiff

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR THE CITY & COUNTY OF TWIN FALLS

THE CITY OF TWIN FALLS,)	Case No. IDMT2014
)	
Plaintiff)	
)	
vs.)	COMPLAINT & DEMAND
)	FOR JURY TRIAL
YANCY "YOLO" OLSON)	
)	
Defendant)	

COMES NOW the City of Twin Falls, by and through its attorney, Jem Trotter, who complains and alleges as follows:

1. The City of Twin Falls (Twin) is an incorporated municipality in the State of Idaho, in the County of Twin Falls. Yancy "Yolo" Olson (Olson) is a resident of Burbank, California. All events complained of took place in the city and county of Twin Falls, and jurisdiction and venue are proper before this court.

THE CONTRACT

2. On July 5, 2012 Twin entered into a contract (the Contract) with Olson which provided, among other things, that Twin would grant Olson a permit (the Permit) to attempt to jump the Snake River Canyon in a rocket powered motorcycle (the Jump), and provide an area for spectators and vendors on the day of the Jump. The parties agreed that the Jump would begin on private property on the South rim of the Snake River Canyon, and end on private property on the North rim of the Snake River Canyon. The Jump was to take place at noon on September 8, 2012.
3. After entering the Contract with Olson, Twin became concerned by rumors that Olson was less interested in the Jump itself than in the pre-event publicity the Jump would build for Olson's participation in the 2013 X-Games. Specifically, Twin believed that Olson would cancel the Jump, or would intentionally fail the Jump, in order to assure a large fan turnout and media coverage of an X-Games jump. The Contract provided that Olson would make his/her best efforts to complete the Jump, and that cancellation of the Jump or failure to use his/her best efforts to complete the Jump would result in Olson being liable to reimburse Twin for all costs associated with the Jump.
4. The Contract conditioned the event on the issuance by Twin of an event permit. Twin issued the Permit on August 15, 2012. The Permit and the Contract specifically state that Olson would comply with all federal, state, county and municipal laws and regulations.
5. The Contract required Olson to limit the number of people in the viewing area to 5,000.

6. The Contract required Olson to provide security adequate to manage and control the number of attendees in the viewing area.
7. The Contract required Olson to prevent alcoholic beverages from being brought into the viewing area by attendees.

THE JUMP

8. Olson has an extensive fan base. Olson encourages and actively promotes his/her image and reputation as a daredevil and an outlaw. Olson's fan base emulates Olson in that manner.
9. The rocket powered motorcycle was equipped with a parachute release mechanism that was set to automatically deploy at a certain altitude after launch. The release mechanism had a manual override lever. Immediately after launch of the rocket cycle Olson released the manual override lever causing the parachute to prematurely deploy. The premature deployment caused the rocket powered motorcycle to drift back to the South side of the Snake River Canyon and land on the South bank of the Snake River. Olson thus failed to complete the jump.
10. When the rocket powered motorcycle fell into the canyon it struck the rocks at the edge of the river with such force that the oil lines and fuel tank ruptured. Oil and fuel were released from the rocket powered motorcycle and entered the Snake River. An unauthorized release of fuel or oil to state waters or to land is a violation of Idaho law.
11. When spectators saw the premature release of the parachute and the failed attempt to jump the canyon, they rioted. The riot caused extensive damage to property belonging to Twin, and necessitated the expenditure of cleanup and repair costs in excess of those contracted for by the parties.

COUNT I – BREACH OF CONTRACT

12. Olson breached the Contract by failing to use his/her best efforts to complete the Jump, to wit, Olson intentionally and prematurely released the parachute causing the rocket powered motorcycle to land on the South bank of the Snake River; and/or
13. Olson breached the Contract by failing to comply with all federal, state, county and municipal laws and regulations, to wit, Olson's act of failing to use his/her best efforts to complete the Jump and his/her failure to collect, remove, and dispose of the spilled oil and fuel caused or contributed to an unauthorized release of fuel or oil in violation of Idaho law; and/or
14. Olson breached the Contract by failing to limit the number of people in the viewing area to 5,000, to wit, the actual number of people in the viewing area was between 6,500 and 8,000; and/or
15. Olson breached the Contract by failing to provide security adequate to manage and control the crowd in the viewing area; and/or
16. Olson breached the Contract by allowing attendees to bring alcoholic beverages into the viewing area.
17. Olson's breach or breaches, singularly or in concert, caused damage to Twin as follows:
 - a) Twin budgeted funds to provide a spectator area, police support, traffic control, and garbage clean up usual and customary for an event of this type. The damage caused by the riot required funds in excess of that amount, in an amount to be proven at trial.
 - b) The State of Idaho is holding Twin liable for the costs of cleaning up the oil and fuel spill. Twin has sustained damages by Olson's breach for

the cost of the cleanup in an amount of approximately \$49,000.00, the exact amount to be proven at trial.

COUNT II – NEGLIGENCE

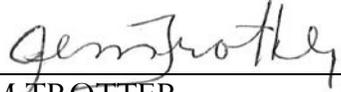
18. Olson had a contractual duty to use his/her best efforts to complete the Jump. Olson was negligent in that Olson negligently and prematurely released the parachute causing the rocket powered motorcycle to land on the South bank of the Snake River; and/or
19. Olson was negligent in that s/he encouraged his/her extensive fan base to attend the Jump, to consume excessive alcohol, and to conduct themselves in a boisterous and unruly manner; and/or
20. Olson had a contractual duty to comply with all federal, state, county and municipal laws and regulations. Olson was negligent in that Olson spilled oil and fuel without a permit in violation of Idaho Code 39-4408(1); and/or
21. Olson had a contractual duty to limit the number of people in the viewing area to 5,000. Olson was negligent in that the actual number of people in the viewing area was between 6,500 and 8,000; and/or
22. Olson had a contractual duty to provide security adequate to manage and control the crowd in the viewing area. Olson was negligent in that s/he failed to provide security adequate to handle a crowd of 6,500 to 8,000; and/or
23. Olson had a contractual duty to prevent attendees from bringing alcoholic beverages into the viewing area. Olson was negligent in that attendees brought alcoholic beverages into the viewing area, which caused excessive intoxication.
24. It was reasonably foreseeable that any or all of Olson's negligent acts or omissions, singularly or in concert, would result in the damages claimed.

25. As a proximate cause of Olson's negligence, Twin has been damaged as follows:
- a) Twin budgeted funds to provide a spectator area, police support, traffic control, and garbage clean up usual and customary for an event of this type. The damage caused by the riot required funds in excess of that amount, in an amount to be proven at trial.
 - b) The State of Idaho is holding Twin liable for the costs of cleaning up the oil and fuel spill. Twin has sustained damages by Olson's breach for the cost of the cleanup in an amount of approximately \$49,000.00, the exact amount to be proven at trial.

WHEREFORE, Twin prays that this court grant relief as follows:

1. That all issues in this matter be decided following a trial by jury;
2. That Twin be awarded damages for Olson's breach of contract in an amount to be proven at trial;
3. That Twin be awarded damages for Olson's negligence in an amount to be proven at trial;
4. That Twin be awarded reasonable costs and attorney fees;
5. That Twin be awarded such other relief as this court deems proper and just.

DATED this 22nd day of March, 2013



JEM TROTTER
Dickison, Fleming, Lorello,
Nelson & Shoufler

I, Tracey German, have reviewed the foregoing Complaint, and the facts and allegations set forth therein are true and correct to the best of my knowledge and belief.

SUBSCRIBED AND SWORN this 27th day of March, 2013.



TRACEY GERMAN
Twin Falls City Manager

Answer

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Attorneys for Defendant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO
IN AND FOR THE CITY & COUNTY OF TWIN FALLS

THE CITY OF TWIN FALLS,)	Case No. IDMT2014
)	
Plaintiff)	
)	
vs.)	ANSWER
)	
YANCY “YOLO” OLSON)	
)	
Defendant)	

COMES NOW Yancy “Yolo” Olson, by and through his/her attorney, Micah Thompsen, and hereby answers the plaintiff’s complaint as follows:

1. Admitted. The defendant stipulates to jurisdiction and venue.

THE CONTRACT

2. Admitted.
3. Olson denies that s/he would intentionally fail the jump or that the jump was a publicity stunt. Olson admits that the terms of the Contract were as alleged.
4. Admitted.

5. Denied.
6. Admitted.
7. Denied.

THE JUMP

8. Olson admits that s/he has an extensive fan base. The rest of the allegation is denied.
9. Olson denies that s/he released the manual override lever causing the parachute to prematurely deploy. The rest of the allegation is admitted.
10. Olson denies that s/he violated Idaho law. The rest of the allegation is admitted.
11. Denied.

COUNT I – BREACH OF CONTRACT

12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.

COUNT II – NEGLIGENCE

18. Olson admits s/he had a contractual duty to use his/her best efforts to complete the jump. The rest of the allegation is denied.
19. Denied.

20. Olson admits s/he had a contractual duty to comply with all federal, state, county, and municipal laws and regulations. Olson denies s/he was negligent or that s/he violated any laws.
21. Denied.
22. Olson admits s/he had a contractual duty to provide security adequate to manage and control the crowd in the viewing area. Olson denies any negligence.
23. Denied.
24. Denied.
25. Denied.

WHEREFORE, Olson prays that this court grant relief as follows:

1. That the plaintiff's complaint be dismissed;
2. That Olson be awarded reasonable costs and attorney fees;
3. That Olson be awarded such other relief as this court deems proper and just.

DATED this 1st day of May, 2013



By: Micah Thompsen
For Thompsen & Rush, LLP
Attorneys for Defendant, Yancy Olson

Stipulations

1. The action has been separated into two trials. The only issues that need to be proven at trial are liability and causation. The issue of damages will be addressed in a subsequent trial if necessary.
2. While all exhibits included in the case materials are authentic and accurate representations and the proper chain of custody with regard to the exhibits has been maintained, teams must still use the proper procedures for admitting exhibits into evidence.
3. The signatures on the witness statements and all other documents are authentic.
4. The dates of witness statements are not relevant and therefore not included. No challenges based on the dates of the witness statements will be entertained. All statements were taken after the alleged incident but before trial.
5. The jurisdiction and venue for this mock trial case have been previously established and are proper.
6. All parties have agreed to the jury instructions.
7. Trial time will not permit the use of all the exhibits provided in the following materials. Each party must select and use only those exhibits that best support and illustrate that party's theory of the case.
8. The Complaint includes several theories of liability. Trial time will not permit you to try every issue presented. Each team must decide which issues will make for the strongest case.
9. All parties stipulate that adequate notice has been given of potential defenses and of intent to introduce evidence, including other-acts evidence, so long as such evidence is within the scope of the case materials.

Witness Statements

PLAINTIFF WITNESS STATEMENTS

Raney Alderman, Event Promoter

1 My name is Raney Alderman. I am 26 years old and they call me “The
2 Rainmaker” because I know how to pull in a crowd – you know, make it rain,
3 people. In fact, I have always had that ability. When I was in high school, growing
4 up in New York, I was the school mascot – a lot of the students came to the sporting
5 events just to see me. I could really pump up the crowd and generate a lot of school
6 spirit – Go Honey Badgers!!!

7 After high school, I went to college where I was also a school mascot. In fact, I
8 was the first ever winner of the Capital One Mascot contest. Can I get a “woot,
9 woot”?! That was pretty cool. Someone started a petition to take my “crown” away
10 in my senior year after I got into, let’s say, a minor altercation with another mascot,
11 but that effort went nowhere. I mean, come on, this isn’t the Miss America Pageant
12 – mascots get rowdy. That’s just the way it is. Anyway, it’s not like I was going to
13 be a mascot as a profession.

14 What I really wanted to do was become an event promoter, since that crew gets
15 to oversee and coordinate events, and can do anything – from coming up with a
16 concept, to the management of the event (including advertising), to getting people to
17 attend. Given my energetic nature and my background as a mascot, becoming an
18 event promoter for sports was a pretty obvious career choice for me. It was pretty
19 much like getting paid to do what I was already doing on a smaller scale.

20 When I first got in “the business,” as they say, it was with my own company –
21 Rainmaker’s Extreme Sporting Events. I promoted and produced a lot of different
22 events and always tried to have an “extreme” twist – you know, something to make it

23 bigger and better than other events – because the bigger and better the event, the
24 bigger and better the crowd! I think what really finally set me apart was one event
25 called Extreme Ninja Cage Fighter. It was a blend of parkour and cage fighting. The
26 competitors had to complete a series of obstacles to get to the center arena where
27 there was a cage fighting match. It. Was. Awesome. The crowd went cra-zy for
28 it!!! We had so many people there. There was even one section that went so crazy
29 for it that part of the bleachers collapsed because that packed crowd was jumping up
30 and down from all the excitement. Fortunately, nobody was hurt and it even sort of
31 added to the energy in the arena. Nevertheless, some nincompoop filed a lawsuit
32 claiming there were too many people at the event and not enough security, but that
33 went nowhere just like that stupid petition to take away my Capitol One mascot
34 award.

35 I eventually had to sell Rainmaker’s Extreme Sporting Events and started working
36 for ESPN8 – The Ocho. I was really attracted to The Ocho’s involvement with
37 unique sporting events like dodgeball tournaments and, of course, the Yolo Olson
38 canyon jump – now that is extreme, and obviously right up my alley. Although it
39 was the biggest event I had ever been responsible for, my boss at The Ocho knew I
40 was up to the task even if others doubted her – or were just jealous!

41 Not being from Idaho, I wasn’t sure what kind of crowd we could pull in for the
42 event but I knew I was up to the task – after all, I am The Rainmaker. I started
43 promoting Yolo’s jump well in advance and even in the surrounding states because I
44 wasn’t too sure there were enough folks in Twin Falls and the neighboring towns to
45 make the event spectacular. I mean, everyone knows it’s the crowd that makes or
46 breaks you. A big crowd can make even a mediocre event a-mazing. Plus, no
47 offense, but Idaho doesn’t have the same fever for sports, if you will, that some of
48 the big cities have. I know there’s that blue turf and everything in Boize that brings

49 in a crowd, but that's still pretty small potatoes (no pun intended) compared to some
50 of the big city stuff.

51 Anyway, like I said, I really went all out promoting Yolo's jump. We had flyers
52 all over, radio ads, and TV spots. I even used some social media – we created a
53 Facebook page and used Twitter. I had this excellent idea for giving away tickets by
54 tweeting out clues where the tickets could be found. Boy, did that bring out the
55 Yolo freaks. I didn't even know he had a freak following until then! One of the
56 clues led people to the hotel I was staying at in Twin Falls. Ticket-seekers were told
57 they should be there at 2:00 a.m. I figured that would be a pretty small turn-out
58 given the time and that it was a small town....NOT! The night manager called me in
59 my room at 1:30 and said the lobby was full of people looking for the free ticket and
60 they were getting a little rambunctious. Not really what I expected; maybe I should
61 have known that things could get out of control, but events are all about the buzz and
62 this speaks to my abilities to promote an event.

63 I must say, I was pretty pleased with the turn-out. It was waaay better than I
64 expected. I probably should have put a limit on the number of advance tickets I sold,
65 but nobody told me I had to, and I just wanted to be sure we got a big enough crowd
66 to make it worth the network's airtime – and we did. It's not my fault there were
67 issues with crowd control. That part is not my job. My job is to bring in the people
68 and bring in the people I did. I told Cooper Malone right up front that, because this
69 was a new market for me and the first time I promoted this type of event, I wasn't
70 sure how big the crowd would be. But s/he assured me s/he could handle anything.
71 I repeat – anything. Clearly, s/he could NOT. I probably should have realized that
72 when I met him/her – s/he doesn't even look like s/he could run 30 feet without
73 collapsing. Hard to believe s/he used to work the tough streets of L.A. like s/he
74 says in her/his marketing material. I should sue her/him for false advertising. S/he

75 assured me s/he could control any size crowd – even a crowd full of rednecks (no
76 offense). Ha!!

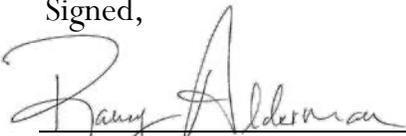
77 I'm sure Cooper or Shelley will try and blame ME – say I sold too many tickets or
78 some ridiculous thing, but they would be wrong. First of all, there is no such thing
79 as too many tickets. Second, it wasn't the size of the crowd that was the problem; it
80 was Cooper and his/her incompetent "security" team. I've seen better security at a
81 bingo tournament. I probably should have done some reference checks but, like I
82 said, I am not the one who picked Cooper Security in the first place – that was Yolo's
83 manager, Shelley Pepperstein – and every time I tried to talk to Pepperstein about
84 logistics, s/he just told me to talk to Cooper. What a joke.

85 I know they call me the Rainmaker but I don't control the weather. Yolo doesn't
86 have anybody but her/himself and her/his "people" to blame for the event's failure.
87 Yolo should consider changing his/her name to Yo-Yo after that debacle. As for me,
88 I am, and always will be, The Rainmaker.

89 **WITNESS ADDENDUM**

90 I have reviewed this statement, and I have nothing of significance to add at this
91 time. The material facts are true and correct.

92 Signed,


93 Raney Alderman

Tracey German, Twin Falls City Manager

1 My name is Tracey German. I am, or was, the City Manager for the City of Twin
2 Falls. I'm 49 years old, which apparently means not hip, cool, or relevant to people
3 like Yancy Olson.

4 I grew up in Pocatello and graduated from Idaho State University with a BA in
5 poli-sci and a masters in secondary education. After I graduated I took a job teaching
6 government at Twin Falls High School. I had to quit that job when I was hired to be
7 the Twin Falls City Manager.

8 I guess that journey needs some explanation. In government class there is a huge
9 emphasis on current events. It's as if the modern world is your lab. Students, being
10 what they are, had lots of complaints about this or that policy or law or candidate. I
11 always told them that the only way to get change was to make change. If they didn't
12 like the way things were, then they needed to work to change them. "Put up or shut
13 up" was how I put it.

14 One day that came back to bite me. Someone on Twin's City Council did
15 something lame – I don't even remember what it was – and I made the mistake of
16 complaining about it in class. Well, students love to catch teachers out. You never
17 heard so many people shouting "put up or shut up!" They said that if I didn't like the
18 way things were, then I had to work to change them. Talk about having to eat my
19 words. By the end of the class period they had talked me into running for City
20 Council. I said the only way I would do it is if they made it a class project. It was a
21 non-partisan position, so the school gave it the okay.

22 The end result was that I was elected. After three terms on the Council I was
23 appointed Mayor. That's mostly a ceremonial position, but I did lobby hard for some
24 changes and really tried to be a leader to make the city better. They recognized my
25 vision and that resulted in being hired as the City Manager. Well, the City Council

26 and Mayoral positions are part time, but City Manager is full time, so I couldn't do
27 that and still teach. Since it turned out I'd been bitten pretty hard by the political bug
28 I changed careers.

29 Being a City Manager is pretty much like being a CEO. The City Council
30 oversees the city's mission and enacts the necessary ordinances, but my job is to
31 make it come to life and make it a good experience for the citizens. In a lot of ways
32 I'm no different than Steve Jobs.

33 Yolo and his/her manager, Shelley Pepperstein, approached me about recreating
34 Evel Knievel's Snake River Canyon jump. I'll admit I was skeptical at first. I should
35 say that I knew Yolo when s/he was a student at TFHS. S/he did not graduate near
36 the top of the class, let me just put it that way. It's not that Yolo wasn't smart. I
37 think Yolo could have been a great student. S/he was clearly intelligent, just lazy. If
38 it didn't have wheels or handlebars on it Yolo didn't think it was worthy of his/her
39 attention.

40 The more we talked about it, though, the more enthusiastic I became. My dad
41 took me to see the Knievel jump when I was a little kid, and I have a great memory
42 of it. Just me and my dad camping out and watching history being made – it was
43 really special. I remember there was some disturbance at the Knievel event, and I
44 learned later there was a lawsuit. I mean, in City Manager Training they still tell you
45 about that case as a model of how not to run events. I was sure that everyone had
46 learned from that, and that if we carefully drafted the contract to avoid the problems
47 of the past, then we could really do something great for the local economy and the
48 image of Twin Falls. I was also encouraged when Raney Alderman and I got together.
49 The Rainmaker and I really hit it off. I could see right away that s/he was the kind of
50 person that was very bright and organized; the kind that I would have loved to have

51 as a student. It was obvious s/he knew what s/he was doing and would help keep
52 Yolo's people on task.

53 I had our City Attorney draw up the contract and took it to the City Council –
54 they had to approve the deal before it was final. There were some folks on the
55 Council who also had fond memories of the Knievel jump. I leveraged that to show
56 them what a boost a re-enactment would be for Twin Falls – tax revenue for the city,
57 tourism dollars for the local economy, and a real image-builder. When it came time
58 to vote, they were thrilled at the chance to re-do history. The Council approved the
59 contract on a split vote and then it was up to me to turn the idea into a great
60 experience.

61 Yolo showed a certain lack of interest during our contract discussions. First, s/he
62 was under the impression that since s/he graduated I had changed my name to
63 “dude.” Yolo was there with Shelley, but just seemed to tune out and let Shelley deal
64 with it. I didn't want problems later, so I kept pointing out important parts of the
65 contract – especially the cleanup, environmental and security sections – and making
66 sure Yolo looked at them and understood them. Yolo never made any objections to
67 anything in the contract. Everything s/he looked at s/he nodded his/her head and
68 said, “yeah, whatever.” I know s/he saw and agreed to everything. Maybe I should
69 have put ape hangers on the contract just to make sure Yolo was paying attention.

70 Anyway, I started to have some real concerns about whether this thing was even
71 going to get off the ground. I was afraid Yolo was just trying to get publicity for
72 his/her X-Games career. I even overheard Yolo on his/her cell phone talking to
73 someone saying that s/he thought this whole thing was a gimmick that would get
74 him/her a lot of national press. I should have known then that we were being used.

75 S/he'd never really done much in the way of jumps like this as far as I knew, and I
76 really started to wonder whether s/he had the experience or maturity to pull this off.

77 The few times in the past when s/he did try to jump didn't go well. I brought that up
78 to Yolo and Shelley, and they both assured me that the previous failures weren't
79 Yolo's fault, that they had "Evel's people" on board now, and that this time it would
80 be different.

81 Shelley started to give me a weird feeling, too. I knew Shelley had been with Evel
82 back in the day, and someone said that Yolo was Evel's best friend's sister's
83 grandson's nephew or something like that. The closer we got to the event, the more
84 I got the distinct impression that Shelley was doing this more because s/he thought
85 s/he had to than because s/he wanted to or because it was a good idea. Shelley didn't
86 seem to be fully on board. That was just one more reason I went over the contract
87 with Shelley and Yolo so thoroughly and made sure we kept in contact about the
88 event details.

89 In order to discourage rabble rousers the contract required an entrance fee of \$50
90 and only 5,000 tickets could be sold. Yolo hired Cooper Malone's firm to handle
91 event admission and security. I was very clear with Yolo and Cooper about the 5,000
92 tickets. I never authorized more people than that. Cooper talked to me about the
93 need for on-duty police officers to be available to physically remove people or make
94 arrests if that was necessary. I assured Cooper that would be taken care of, and it
95 was. I had plenty of officers to assist Cooper with a crowd of 5,000. Unfortunately,
96 actual attendance was closer to 8,000, although we can only estimate that given that
97 Cooper was not counting like s/he was supposed to. Whatever it was, I know it was
98 well over the limit. We told vendors what the attendance limit was so they could
99 plan, and they all ran out of food by 11:00. That shows right there the crowd was too
100 large. I mean, why would they all under plan? Gate crashers were a problem due to
101 bad security. People were getting over or under the fence, and ticket takers were
102 letting in friends.

103 The jump was supposed to be at noon but it was delayed supposedly due to “high
104 winds.” Really? This is Twin Falls. It’s always windy here! Yolo grew up here and
105 knows that. It wasn’t any windier than usual that day. When I heard that, I got this
106 sick feeling, like a déjà vu nightmare. I checked in with Cooper Malone to make sure
107 s/he had security well in hand. “No problem,” s/he said. “We’re the best. Yolo only
108 hires the best.” Somehow, that didn’t make me feel better.

109 Unfortunately, the only thing there was no shortage of was alcohol. Of course,
110 you expect a certain amount to be snuck in to something like this, but Cooper’s
111 security might as well have let a beer truck pull right up and unload, for all the
112 screening they did. You should have seen the event site at the end of that day. There
113 were Red Solo Cups and empty 12-packs of beer everywhere. All that trash
114 everywhere. That’s really what contributed heavily to the extra cleanup costs.

115 The farther away we got from noon, the more drunk and unruly the crowd got.
116 Fights started to break out. I did see police officers remove some people, but it
117 seemed like two more fights erupted for every one that was stopped.

118 Finally, around 2:00, it looked like Yolo was going to get it over with. I hoped
119 and prayed s/he would make it, since that was the only way I could see making
120 everyone happy was to get this done with and have the success we were planning on.
121 At least the crowd was still and quiet once they had Yolo to focus on. It really was
122 quite a production, since Yolo was trying to mimic the Knievel jump as closely as
123 possible.

124 Yolo flew in by helicopter and then took a long, walk to the rocket. Instead of
125 climbing up a ladder like his/her crew, s/he had a crane lower him/her in. His/her
126 crew made a big to-do of getting him/her situated and closing the hatch, to build up
127 the suspense, and then they started a countdown. I must admit I was pretty riveted
128 myself at that point. I mean, it was just like Evel did it! It was pretty cool!

129 But when the countdown got to zero, everything fell apart. The engine looked
130 like it started fine – like a rocket is supposed to look – but just after the rocket was
131 clear of the ramp, the chute popped out! You should have heard the loud gasp from
132 the crowd. All I could do was watch with everyone else in silent horror as the chute
133 pulled on the rocket and it took a nose dive into the canyon. As soon as it
134 disappeared below the rim all hell broke loose. It was complete pandemonium.

135 The crowd erupted. Bottles were being thrown, trash cans and dumpsters were
136 overturned, tents were torn down and ripped up, vendor booths and equipment
137 were tossed around – it was incredible, and not in a good way. Everyone was trying
138 to leave through the gates, but most of the crowd was too angry and impatient to
139 wait. After about half an hour the crowd surged, broke through the fence, and
140 disbursed, leaving nothing but destruction in its wake.

141 Then I found out that when the rocket hit the canyon floor it ruptured and spilled
142 oil and fuel! I don't know what kind of rocket grade fuel Yolo used, but apparently
143 it's bad stuff. The Idaho Department of Environmental Quality went bananas and
144 told the city it would have to pay the cleanup cost.

145 I pointed to our contract with Yolo, but DEQ didn't care. They said they didn't
146 have a contract with Yolo and looked to Twin to take care of the situation, since we
147 are the owner of the property where all of this happened. They did say that if Twin
148 Falls wanted to recoup the cleanup cost from Yolo that was Twin Falls' problem.
149 Well, here we are.

150 It's true that I lost my City Manager job over this. I don't think it's fair, really. I
151 did everything in my power to make magic happen. I can't tell you how disappointed
152 I am in how this turned out. I really wanted this event to re-create history and to put
153 Twin Falls on the map. We re-created history, alright, as a laughingstock. I just hope

154 | this doesn't become the new case study on how not to run an event. I don't know.
155 | Maybe I should go back to teaching high school.

156 | **WITNESS ADDENDUM**

157 | I have reviewed this statement, and I have nothing of significance to add at this
158 | time. The material facts are true and correct.

159 |

Signed,



Tracey German

160 |

Dr. Dale Malevo PhD, Designer & Engineer

1 Dr. Dale Malevo here. Not sure what it is that you think is important to know
2 about me, so I'll just give you the abbreviated version. I'm a California kid through
3 and through; Pasadena to be exact. There are not many people who can call
4 themselves native Californians, but my family has been around for generations. Heck,
5 the Malevos were here even before the Rose Bowl made Pasadena famous.

6 I'm 63; born in 1950. My teenage years were like living in the middle of a Beach
7 Boys song. Mmm, bop, bop, good vibrations, bop, bop, excitations, bop, bop!
8 Excuse me? Oh, sorry; I got lost in my memories for a moment. Well, let's just say
9 that life on the beach is where it's at and it was just a short drive from Pasadena to
10 Redondo Beach where we all hung out. Beautiful people in swimsuits, sand, surf,
11 bonfires on the beach, and gnarly waves. The quest for the perfect big mamma (that
12 means a really great wave for you inlanders) is really what makes life worth living.
13 I've always been a smart person, pretty close to genius some would say, and I love
14 my career, but down here in the SoCal we work to live – and live we do.

15 I have always been a math and science person and always got really good grades in
16 school without having to work too hard at it. So, when it came time to apply to
17 school, my parents pushed me to apply to M.I.T. I did. And I got in. But I also
18 applied to Cal Poly in San Luis Obispo and I got in there too. I know my folks were a
19 little disappointed, but as much as I love the Southern California lifestyle, it was a
20 pretty easy choice. I mean, come on. A great education with a bunch of laid back
21 people AND surfing a few miles away? Or, snow, wool sweaters, and a bunch of
22 stuck up New Englanders? You can have Massachusetts. I'll take California.

23 I said I'd keep this part of the story short, and I really haven't, have I? What can I
24 say? I've lived a long time. "Short" is a relative term, now, isn't it? Where was I? Oh,
25 yeah.

26 I got my degree pretty quickly. I had skipped a couple of grades when I was a kid
27 so I started college when I was barely 17. It only took me six years to get my
28 undergraduate degrees and my PhD. I had a double major in Physics and Mechanical
29 Engineering and my doctorate is in Aerospace Engineering, which, in the late sixties
30 was really a new field, and to many people felt more like science fiction than science.
31 We've come a long way in 50 years, haven't we?

32 After college, most of the people I studied with went on to teach at colleges and
33 universities all over the country. But, not me. To me, science shouldn't just be a
34 bunch of theories that men and women ponder in their ivory towers. It should be a
35 way to move theory into practice and move our world forward in both serious and
36 fun ways. That's why, after just a few years of working for AAE Aerospace, which at
37 that time was a pretty new company, I started my own company, Transvision Global
38 Technologies. I'm proud to say that my company has remained successful for nearly
39 30 years.

40 You might wonder what we do at Transvision. Some of our more notable
41 accomplishments include our design for an ultra-high speed transit system that can
42 get you from Los Angeles to San Francisco in a little over 3 hours (it takes about 8 by
43 car). Though it's also a pretty big accomplishment, I'm embarrassed to say that our
44 company was behind some of the original stealth drone technology. I just never
45 would have imagined that drones would be used for such nefarious purposes.

46 I know we have been criticized over the years for developing something that has
47 been use to hurt people like our drones. And I take responsibility for some of the
48 criticism that Transvision has gotten for passing off some of our concepts as finished
49 and ready to go products. I acknowledge that in the past I have put stuff out there
50 that wasn't quite ready, but that's not the case here. What can I say? I'm an optimist
51 and if I'm guilty of anything, it's being excited to show the world what I knew would

52 soon become reality, and by and large most of my ideas have come to fruition.
53 Besides, most of my naysayers are anti-science zealots who just don't want science to
54 rule the world.

55 On a more fun side, I was also instrumental in starting the whole robot wars
56 movement. And, of course, I have spent years perfecting the rocket/motorcycle
57 hybrid, culminating with the Moto-Rocket Prime, the vehicle that Yolo Olson should
58 have successfully taken across the Snake River Canyon if s/he hadn't messed up so
59 badly. I really thought Yolo was the right person to pull this off. I guess we can't be
60 good judges of character all the time.

61 A few years back, I forget exactly when (I'm an idea person; sometimes I lose
62 track of the everyday details), I was down in Baja testing the Moto-Rocket Prime. It
63 was having some problems with one of the deceleration parachutes at certain wind
64 speeds above 15 miles per hour. Yolo was down there hanging out with some friends
65 for the Baja 1000 race and s/he took a real interest in the Prime; really friendly
66 telling me stories about growing up with Knievel and how s/he would love to
67 recreate that canyon jump. I told Yolo about the problems we were having with the
68 chutes and that it might take a while to get the Prime ready, but Yolo said s/he
69 wanted in and trusted me to fix any glitches.

70 I followed Yolo's career over the years and was really impressed with how
71 successful s/he had become. So it really didn't surprise me when Yolo called a couple
72 of years later and asked me to help put together a second try at the Snake River
73 Canyon jump. Like I said, I believed that if there was anyone who could pull off that
74 jump it was Yancy "Yolo" Olson. S/he had the skill and the nerve in my estimation at
75 that time.

76 We spent over a year getting ready for the jump. A jump like this; it's not just
77 ready, set, go. There's a lot of planning that goes into it. Even though there was

78 precedence and plans from before that I could rely on, I still did all the legwork
79 myself. I visited the site both in person and in a helicopter flyover. I developed the
80 schematics and designed the ramp. It's a lot of work, but it's not rocket science.

81 Scratch that. It is rocket science, but it's more like rocket science for dummies.
82 It's really just a matter of simple projectile motion. You have to calculate the speed
83 and the incline and the trajectory that it will take to successfully complete the jump. I
84 did all that. We needed the Moto-Rocket to get up to 350 miles per hour, so I also
85 calculated how far Yolo would need to travel to get to that speed. I even took into
86 account the drag that would be created at different wind speeds across the canyon. I
87 can show you how this all works on the schematic or the specs I put together if you'd
88 like me to. I knew that once we got above 15 MPH wind speeds, Yolo could be
89 pushing his/her luck getting across the canyon.

90 In the months leading up to the event, Yolo and I spent a lot of time in the
91 Bonneville Salt Flats in Utah preparing for the jump. I have to admit that we had
92 some successes and some failures in our dress rehearsals but both Yolo and I felt
93 confident that we were ready for prime time. We made the 3/4 mile jump
94 successfully several times, including sticking the landing, but since the Salt Flats are,
95 you know, flat, we never had to deploy the parachutes like we would have over the
96 Snake River Canyon.

97 But I know they worked because I tested them in our lab. I specifically designed
98 them so that they would not deploy automatically until Yolo and the Moto-Rocket
99 reached the peak height of 800 feet above the surface and a speed of 250 miles per
100 hour. The only way the emergency back-up chute could have been deployed would
101 have been if Yolo had triggered the lever to open it early.

102 As for the Moto-Rocket Prime, herself? If she were a sailboat, I'd tell you, "My,
103 she was yar!" I don't mean to sound vain, but I'd call the Prime a masterpiece; my

104 masterpiece. She was sleek and svelte. She was powerful. She could handle speeds of
105 up to 375 miles per hour, well beyond the speeds Yolo needed to make it across the
106 canyon.

107 I have to say that on the days leading up to the event, I began to see a lot of
108 disrespect coming from Yolo and his/her camp; I saw a real change in Yolo. S/he
109 just didn't seem to me to be taking this whole event as seriously as I think s/he
110 should have been. I just think this Snake River Canyon jump is about as important as
111 it gets for Yolo's career, but s/he just kept talking about "X-Games this" and "X-
112 Games that." And even though Yolo's whole hometown was behind Yolo and this
113 jump, you should have heard the way s/he talked about the good people of Twin
114 Falls. I just don't think it's respectful to refer to your original fan base as backward,
115 cow-tipping hicks.

116 I don't know who was more nervous on the day of the jump: Yolo or me. We
117 were set to go at noon, but when the time came, I just felt that it was too windy. The
118 typical wind speed for the Canyon at that time is year is anywhere from 10 to 15
119 MPH, but on that day it was topping out at nearly 20 MPH, which in layman's terms
120 would be a very windy day – the kind of day where you would see large branches
121 starting to move. I was worried enough to ask Yolo and Shelley if we could delay the
122 jump until the wind died down a bit. My calculations told me that the amount of drag
123 that the Moto-Rocket would experience if we didn't wait for better conditions was
124 just pushing beyond the limits of what the old girl could handle.

125 After an hour or so of waiting, I was getting a lot of pressure from Yolo and
126 his/her people, especially Shelley. It's like they cared more about getting this stunt
127 over with more than they cared about the safety of the thing. By 2:00, I was maybe
128 90% sure that we were ready to go. The wind died down to just about 15 MPH,

129 which is just at the upper limit of what the Prime could handle, but still within the
130 range.

131 Frankly I was sick of listening to Yolo's people complain, so when Shelley asked
132 me for the umpteenth time if we were ready yet, I told him/her that, while I wanted
133 to be cautious, they should decide for themselves if they wanted to push the limits of
134 the Prime. Then, I waited on the sidelines for all of this to unfold. I wanted to be on
135 the landing side, but decided that it was better to stay on the launch side, in case
136 something went wrong.

137 You should have seen the spectacle. A helicopter flew Yolo to the launch site and
138 then used a crane to get him/her to the Moto-Rocket Prime like s/he was the Lord
139 Almighty. I'm sorry. Did I just roll my eyes?

140 Everything seemed to be moving along just fine. The Prime accelerated as
141 expected, gaining speed as it headed towards the canyon. I remember thinking to
142 myself that we were going to do this, when all of the sudden I saw it. Yolo's
143 parachute was opening. Then that feeling of victory just as quickly turned to a sense
144 of dread in the pit of my stomach. The Moto-Rocket Prime was hurling towards
145 destruction against the canyon. There's just no way the chute could have deployed
146 early unless Yolo pulled the cord. I could have cried.

147 And in the end? In the end, that idiot Yolo killed the Moto-Rocket Prime and
148 ruined the jump. I gave Yolo my masterpiece and am quite sure I did everything,
149 from designing to planning, that I needed to do to ensure s/he was able to have a
150 successful jump. I can't believe s/he disrespected my expertise like this. I just can't
151 stand the thought of him/her anymore. I hope you people sue the pants off of both
152 Yolo and Shelley.

153

WITNESS ADDENDUM

154

I have reviewed this statement, and I have nothing of significance to add at this

155

time. The material facts are true and correct.

156

Signed,

A handwritten signature in black ink, appearing to read "Dr. Dale Malevo", written over a horizontal line.

157

Dr. Dale Malevo, PhD

DEFENSE WITNESS STATEMENTS

Cooper Malone, Owner Cooper Security

1 My name is Cooper Malone. I'm 61 years old, and I am the owner of Cooper
2 Security. I started Cooper Security after retiring from the Los Angeles Police
3 Department ten years ago. My firm was contracted by Yolo to be responsible for
4 security at the Yolo jump.

5 I need to give you some background, just so you know I'm not some donut eating
6 doofus whose office is a parked car. I went into law enforcement right out of high
7 school. I come from a long line of law enforcement officers and it's all I ever wanted
8 to do. I started as a patrol deputy and went through the normal POST academy
9 training. I trained with a very experienced officer who saw my ability and my love
10 for my work, and he encouraged me to go to college and get a law enforcement
11 degree. This was in the days when you didn't even need a high school diploma to join
12 the force, and extra education was rare. Well, I took his advice and went to school
13 while I worked. It took me a couple extra years, but I did it! I stayed with LAPD
14 during my entire career. I received multiple promotions and commendations. I was a
15 chief deputy detective when I left.

16 I need to explain that, too, since it will come up anyway. In spite of my years of
17 dedicated exemplary service, I was fired over a really dumb move on my part. We
18 were in the middle of a trial of several members of a motorcycle gang for assault.
19 They had tried to remove the colors tattooed onto a former gang member turned
20 snitch, and you really don't want to know how tattoo removal works in motorcycle
21 gangs. Anyway, during the investigation one of the other gang members decided to
22 rat to get a plea deal. It really broke the case wide open. I was talking to some other
23 deputies about it and I made what I thought was an off-the-record reference to the
24 confidential informant as being a cowardly, lying, stupid squid. Obviously, I'm too

25 professional to put something like that in my report. Unbeknownst to me, someone
26 had a tape recorder going. I never found out for sure who, but I'm convinced it was
27 the punk who eventually replaced me. Anyway, during the trial I denied saying that,
28 since it would have looked bad if I'd said our primary witness was unreliable. The
29 scumbag defense lawyer brought out the recording, and that was that. The State lost
30 the case, and I was fired and charged with perjury. I pled guilty to a misdemeanor
31 and did a year of probation – flawlessly, I might add.

32 Well, law enforcement wouldn't even look at my application after that, so I
33 moved to Idaho and started my own security company. Mostly we do cyber security.
34 That's a huge market since everybody has some sort of "device" and the hackers are
35 always trying to stay one step ahead. We have to devote lots of hours to staying on
36 top of the latest hardware and software. I also do a national radio show on security. I
37 think I'm in, let's see, maybe 20 markets all over the country.

38 Of course, you can't sit in front of a computer all the time, so I handle gigs like
39 this just to mix it up. Don't get me wrong; as you can see I am very experienced,
40 attentive to detail, good at what I do. I make sure my personnel are well trained. I
41 hire off-duty police officers and officer candidates, younger, less experienced officers
42 like I was once, who look like they have a knack for law enforcement and who I can
43 help. Hey, an older officer helped me once, and I want to pay it forward.

44 Regarding this case, I was initially contacted by Raney Alderman about handling
45 security at the Snake River Canyon jump. When I answered the phone s/he actually
46 said, "The Rainmaker here," like I was supposed to know who that was. It didn't take
47 me 30 seconds to figure out that Rainmaker was a complete idiot and all wet, so I
48 turned down the job. But when Shelley Pepperstein called, I agreed to do it. I'd
49 worked on a project with Shelley before and s/he had his/her head screwed on
50 straight. That and his/her reputation made me decide that if s/he was on board it

51 was alright. Frankly, I would not have done this if Shelley had not been involved.
52 Shelley said that working with Alderman would be okay, and that s/he would be
53 involved in the process, but I didn't see too much of Shelley after that.

54 I did discuss logistics with Tracey German, but since I was hired by Yolo s/he was
55 ultimately the one who called the shots. Tracey told me they were selling 5,000
56 tickets to the event. However, the fence perimeter Yolo told us to establish was large
57 enough to handle many more than that, and Yolo's attitude was "the more the
58 merrier." We were never told not to allow in more than 5,000 people, just that
59 that's the number of tickets that would be sold. We were responsible for ticket
60 taking and we did make sure that ticket holders were admitted first, but I had hired
61 enough people to handle another 1,500, so we let more people in as the event got
62 closer. Again, the distinct impression I got from Yolo was that that was what s/he
63 wanted, and s/he was writing my check. The bottom line is there were more than
64 enough personnel on site to handle the crowd.

65 For the most part, the crowd was well-behaved. You can always expect a few bad
66 actors at events like this. We plan for it, and we had no problem putting a stop to it.
67 At least at first. See, since we are private security and not police officers, we don't
68 have law enforcement authority. We can detain people as long as we don't use force,
69 and we can peaceably eject people. But if it comes to getting physical or arresting
70 people, we have to call on-duty officers for that. Of course, we don't tell people
71 that. Part of their willingness to comply is that they don't know we can't arrest
72 them. I wasn't worried about it, though. I told Tracey that I would have enough
73 people to handle a crowd of 8,000 and s/he never batted an eye. We talked about
74 the authority issue and Tracey assured me there would be plenty of on-duty police on
75 shift for the event.

76 Like I said, at first we didn't have any trouble and we were able to handle
77 anything that came up. We escorted a few people out, but they didn't give us any
78 trouble. It was only after the launch was delayed that things escalated. Vendors did
79 run out of food, but that happened far closer to noon than 11:00. Most people had
80 plenty to eat by then anyway and just wanted the show to begin. When it didn't, I
81 made sure my people moved among the crowd and chatted people up, being "Officer
82 Friendly" and just making sure everyone had a good time and stayed calm. We were
83 in constant radio contact with the launch site, and the crew said as soon as the wind
84 calmed down they would be ready to go.

85 The longer the delay, the worse things got. In spite of our best efforts, people did
86 sneak alcohol in. Again, we know that will happen and we plan on it. We did screen
87 people when they entered, and we confiscated quite a bit that got past us, but the
88 farther we went past noon the more difficult it got. Like I said, we have limited
89 authority. It got to the point where people refused to hand over their alcohol
90 voluntarily. Once people realized we couldn't do anything about it, the problem got
91 worse. They began drinking more openly and became belligerent when we tried to
92 intervene. We did call in on-duty officers, but there were not as many as Tracey told
93 me there would be. Officers arrived, made a few people leave, and made a couple of
94 arrests, but the later it got that just seemed to exacerbate the situation.

95 Finally it was time for the launch. Neither I nor my personnel actually saw it,
96 since our attention was on the crowd. There was a lull while the actual launch took
97 place. Again, we could not see what happened, but we heard the countdown and
98 then a huge gasp from the crowd. Suddenly everything changed. Everyone started
99 yelling. My first thought was that Yolo made it across and everyone was cheering,
100 but it quickly became apparent that something was very wrong. I had not seen
101 anything like it since LA. A full blown riot broke out. At that point, all we could do

Yancy “Yolo” Olson, Stuntperson & Daredevil

1 My name is Yancy Olson. People call me Yolo. That was my motto long before
2 Drake came out with that song. It really fits me. You only live once. That’s how I
3 live my life. You’ve gotta go for it, or what’s the point? What?

4 That’s especially true now that I’m about to enter old man territory. Before you
5 know it, I’ll be just another Tony Hawk; too embarrassingly old to be doing this stuff
6 anymore. Did I say that I was born on October 17, 1984? Anyway, I’m going to live
7 while I can before I hit that 30 cliff next year and people start expecting me to act
8 like I’m grown up or something.

9 I grew up in Twin Falls and lived there until I graduated from high school. I have
10 never been what you would call a brain, but I think I’m kinda a genius when it comes
11 to motorcycles. I can build ‘em, I can fix ‘em, and most importantly, I can control a
12 bike like no one else. It’s just in my blood; I come from a motorcycle family. In fact
13 my grandpa was good friends with Evel Knievel, so I grew up listening to Pops and
14 Evel telling and retelling the stories of the first attempted jump over the Snake River
15 Canyon.

16 So, when Tracey German tries to claim that I was just redoing the jump as a way
17 to get publicity for myself for my upcoming X-Games, that’s just total bull. Why
18 would I purposely fail at something that is part of my family’s legacy?

19 After high school, my grandpa asked Evel to help me get started in the stunt
20 business. I had gotten in some trouble for some of the crazy motorcycle stunts I
21 pulled when I was a kid growing up in Twin, so I’m guessing that a lot of the people
22 here, especially the cops, were glad to see me go. They have never liked me very
23 much and I’m sure they’re not too upset to see me in this trouble now.

24 So, off I went to Hollywood. Evel hooked me up with Shelley Pepperstein, who
25 had been his manager for a long time. Shelley helped me get a job working on a stunt
26 crew. Shelley's great. S/he always has my back. I trust him/her completely and
27 know I don't have to ask too many questions or pay attention to the details because
28 Shelley always just gets the job done. Shelley and I have always had, and will always
29 have, a great relationship. We are like family. And in families sometimes you get a
30 little aggro, but in the end it's no biggie smalls.

31 When I was working on the stunt crew, I met a bunch of X-Gamers and they
32 talked me into competing. I've done pretty good for myself, which I think is one of
33 the reasons why they're coming after me so hard. People always want to bring down
34 the famous person, especially someone like me who hasn't always played by their
35 rules. But you don't become a three time Moto-X World Champion or a Red Bull X-
36 Fighter champion by playing by the rules.

37 It's kind of an unofficial philosophy of X-Gamers: don't play by the rules. Make
38 up your own rules. And my rules say that even though I haven't done a lot of jumps
39 like the one I was doing over the Snake, and even though I have had a couple of times
40 when I seized up and got wrecked, I knew I got this. And I would have if Dale hadn't
41 messed up my flow. I probably should never have brought her/him into this.

42 Anyway, a few years back both my grandpa and our family friend Evel passed
43 away, pretty close to each other. Ever since then, it was in the back of my mind that I
44 would like to recreate Evel Knievel's jump over the Snake River Canyon – except of
45 course to do it successfully this time. I can't think of a better way to pay my respects
46 to two people who have been so important in my life. That's when I approached Dale
47 Malevo about helping me put together the jump.

48 I used to love Dale. S/he's one of those people who spends his/her life playing
49 three-dimensional chess when everyone else around him/her is playing checkers. I've

50 never met anyone like him/her. It's like if some surfer and Einstein had a baby it
51 would be Dale Malevo. Some years back, Dale and I had this discussion about
52 creating this motorcycle/rocket hybrid that would just tear it up. Wicked!

53 At the time, I thought Dale was the only person who could help me make the
54 jump across the Canyon. Too bad s/he's turning on me now trying to cover his/her
55 own hind parts. I guess some people are just better at ideas than they are at doing
56 stuff. Before all of this, I thought we came up with a sweet plan. Dale and I worked
57 to design and test the Moto-Rocket Prime, the first of its kind. We were successful in
58 some shorter jumps on the test track, but we didn't have to use the parachute on the
59 tests. That was really only in case of an emergency, and when you're going for it like
60 I do, you just don't let it enter your mind that an emergency might happen.

61 Dale and his/her people also designed the ramp for the jump. I'm not sure
62 though if they thought about what would happen if the conditions were as windy as
63 they were that day. With everything in place, I was sure we were ready and psyched
64 that we were going to be able to do what Evel had not.

65 Of course, the other side of this was dealing with all the organization of getting
66 this done. I went to the first meeting that Shelley had with Tracey German, but it
67 was just too weird. German had been my government teacher in high school and I
68 wasn't exactly the best student. It was a little too much like sitting in the principal's
69 office. I know German wasn't too jazzed about trying to recreate the jump at first,
70 but like all politicians we just explained it in terms s/he could understand. Like Wu
71 Tang says, "Cash Rules Everything Around Me." With all the publicity this has
72 brought to Tracey's town, I can't believe how ungrateful s/he's being now. S/he set
73 me up to be the patsy in all of this. Want a better outcome? Write a better contract.

74 After the first meeting, I let Shelley take it from there. Just like I let Shelley
75 handle the people at ESPN. Why should I bother with all the details? I have people I

76 trust to do that for me. I'm pretty sure I read the contract and I don't remember
77 anything about having to clean everything up. And, yeah, I signed it because I trusted
78 the people who told me that it was all good. I was just there to jump, not organize
79 the event and take care of the details. Like I said, I've got people for that. I know for
80 a fact that there's nothing in that contract about environmental cleanup. I never
81 would have agreed to that; I hate those tree-hugger types that don't think I should be
82 able to ride my motorcycles wherever I want to.

83 And those people at ESPN? Man, they are the biggest tools. They hire some
84 wannabe cop who got fired from his real job in a real city. They let some newbie kid
85 just out of college run the event and sell too many tickets. C'mon, man! That kid
86 used to be a mascot. Do you let mascots run things? No! You shove them into their
87 high school lockers. Of course they couldn't even handle some little fight that broke
88 out between a bunch of hicks. Talk to that person from ESPN; Snowy Something-or-
89 Other. S/he's the one who was supposed to handle all of this. See what happens
90 when you give losers the keys to the car?

91 I'm sorry! You want me to be responsible for what happens when a fight breaks
92 out at one of my events? I know my fans can be kinda off the chain, but how is that
93 my responsibility? Last time something like this happened, I did put out one of those
94 public service thingies. What more am I supposed to do? It's not my job to keep my
95 brothers.

96 So, of course there were a lot of excited people there, and of course they all
97 wanted to see me jump. We were all excited. The jump was supposed to happen at
98 high noon. I mean isn't that when all stuff goes down in the Wild, Wild West? We
99 had no way of knowing how windy it would be that day. Who am I? Al Roker? We
100 did wait for two hours, like Dale asked us to, just to make sure we were having a safe
101 jump.

102 Of course I was excited and a little nervous, but no more than usual before a big
103 jump. I'm just a person who is able to focus and not get too panicky most of the
104 time. I was stoked and ready to go.

105 It's really weird when you're doing dangerous stuff like I do. When you're in the
106 middle of it, it's like the world is going hyper fast and in slow motion all at once. I
107 remember heading up the ramp and I remember smashing into the canyon wall and
108 being pretty grateful I had a parachute to lessen the damage. Everything else just
109 happened in kind of a haze.

110 I could feel the wind coming at me as me and the Moto-Rocket Prime took off
111 across the canyon. I remember thinking the wind was messing with my jump but I
112 didn't pull the parachute too early. The wind must have made it happen. Look, I do
113 stunts and dangerous stuff for a living. Why would I wuss out of becoming the most
114 famous daredevil in America? It's just not my style. I have had plenty of crashes and
115 other than a few broken bones, I'm fine.

116 After that, we just left. I was ticked and a little ashamed that I didn't make the
117 jump. I just wanted out of Dodge. I didn't take the time to find out what happened to
118 the Moto-Rocket. I figured that was Dale's problem and his/her job to take care of. I
119 didn't know until the next morning that a riot had broken out and the event site was
120 a mess. Do I look like event security to you? How many times do I have to tell you? I
121 have people who take care of these things for me.

122 I don't see how I could possibly be responsible for all of this. It was my job to do
123 the jump, nothing more, nothing less. Sure, I'm disappointed that it didn't work out
124 and I feel bad that ESPN and their people made a mess of the event. This whole thing
125 hurts my career as it is. I just wish that people would stop trying to make me
126 responsible for pieces of this disaster that are not my fault.

127

WITNESS ADDENDUM

128

I have reviewed this statement, and I have nothing of significance to add at this

129

time. The material facts are true and correct.

130

Signed,

131



Yancy "Yolo" Olson

Shelley Pepperstein, Sports Agent, Manager to Yolo Olson

1 My name is Shelley Pepperstein, founder and senior sports agent for Pepperstein
2 Promotions, LLC. I'm 58 years young, but I've been in the promotions game a long
3 time – 35 years to be exact. Growing up in Manhattan, I learned a thing or two
4 about how to make friends and influence people. Of course, it didn't hurt that my
5 father was a prominent New York City attorney and was what you might call
6 "connected" to all the major players in New York politics. In fact, that's sort of how
7 I got my start in the business. One or two recommendation letters from my dad's
8 political cronies and, before you know it, I was enrolled at Princeton University
9 (where I earned a degree in economics), then at Harvard (where I earned my MBA),
10 and then landed a job as a sports agent in a major New York City consulting firm.

11 So, you're probably wondering what a sports agent does, exactly. Well, you've
12 seen the movie "Jerry McGuire," right? It's kind of like that. Basically, I help
13 professional athletes and other sports personalities make it to the top of their
14 respective games by signing them to playing or appearance contracts, negotiating
15 their salaries, and getting them endorsement deals. In a nutshell, my job is to show
16 my clients the money! And believe you me, I always do! It's just simple
17 mathematics: at a commission rate of 20%, the more money and success I can
18 generate for one of my clients, the more money lining my own pockets and those of
19 Pepperstein Promotions, LLC.

20 Anyway, like I said earlier, I started my career as a sports agent working for a
21 consulting firm in the Big Apple. The firm was great, and I learned a lot working
22 there, but answering to other people has never been my style. So, in 1980, I left the
23 firm and started up my own promotions company. Since then, I've managed and

24 promoted some of the most famous athletes in the world, including daredevil great,
25 Evel Knievel, and his protégé, Yancy “Yolo” Olson.

26 I met Yolo in the summer of 2002, right after s/he graduated from high school.
27 S/he was a hot-shot kid who lived and breathed motorcycles and was looking for a
28 way – any way – to get her/his foot in the door of the sports entertainment industry.
29 Evel knew Yolo personally and suggested I give her/him a shot. So, as a favor to
30 Evel, I took Yolo under my wing and got her/him a job on a Hollywood stunt crew.
31 Although s/he was only an apprentice to the stunt coordinator, it soon became clear
32 to everybody on the crew – and to me – that Yolo was a natural-born daredevil. I
33 knew if I didn’t snatch her/him up some other sports agent would, so I signed Yolo
34 as a client in the fall of 2002 and the rest, as they say, is extreme sports history.

35 Together, Yolo and I have enjoyed a number of successes over the years. The
36 combination of her/his talent and my business know-how has made her/him an
37 extreme sports icon and me one of the most sought after sports agents in the
38 country. So when Yolo came to me with the idea of recreating Evel Knievel’s Snake
39 River Canyon jump, I knew it was an opportunity neither one of us could afford to
40 pass up. Sure, Yolo didn’t have any experience with a motorcycle stunt of this
41 magnitude (or any kind of stunt of this magnitude, for that matter). But I absolutely
42 believed her/him when s/he assured me s/he could successfully complete the jump.
43 I mean, the girl/guy exudes confidence and s/he usually has the goods to back it up.
44 In fact, in our decade-long business relationship, there had only been one or two
45 occasions where Yolo panicked at the last minute and botched a jump. I wasn’t
46 worried about Yolo’s ability to perform this particular jump, though. After all, Evel
47 Knievel was her/his hero and her/his grandfather’s best friend, and nothing meant
48 more to Yolo than completing the stunt as a tribute to them. I also knew that if Yolo

49 could complete the jump where Evel had failed, it would take both of our careers to
50 new heights.

51 Before we could even think about investing our time and resources in another
52 Snake River Canyon jump attempt, I knew I had to get the local politicians in our
53 corner. I arranged a meeting with Yolo and Tracey German, the Twin Falls City
54 Manager. Being from New York, I wasn't even sure what a "City Manager" does, but
55 I soon discovered it was just a fancy title for someone who was required to make us
56 jump through a bunch of bureaucratic hoops before we could set up shop on the
57 canyon rim. Anyways, since I was the only one in the meeting with a Harvard
58 degree, I did my best to dumb down the presentation and pitch the idea in terms I
59 thought German might understand. At first, German was less than enthusiastic about
60 the concept and accused us of just wanting to drum up publicity for an upcoming X-
61 Games in which Yolo was slated to participate. But after I assured her/him that
62 wasn't the case and also explained to her/him how much money the city stood to
63 make, s/he came around. All we had to do to get the go-ahead was sign a contract
64 that required Yolo to make her/his best efforts to complete the jump or else assume
65 liability for the event. Of course, as Yolo's agent, my company was also going to be
66 on the hook if anything went wrong. But, since I knew Yolo would never
67 intentionally fail the jump, I had no problem advising Yolo to sign the contract. That
68 being said, I did tell Yolo to review the contract her/himself – just to make sure s/he
69 was comfortable with all of its terms.

70 Once we signed the contract, things moved forward fairly quickly. Yolo worked
71 closely with Dale Malevo on the motorcycle rocket and launch ramp designs, while I
72 focused my attention on coordinating all the other aspects of the event. As I've said,
73 I've managed and promoted the careers of many, many big name athletes and, in the
74 process, have pulled together some really big events, but I've never had so many balls

75 in the air at once as I did trying to make sure this jump would go off without a hitch.
76 Luckily, I'm a good juggler. In the months leading up to the jump I did everything I
77 could think of, and then some, to ensure the success of the entire operation –
78 including scoping out the jump site and spectator viewing areas, arranging for a
79 helicopter to fly Yolo in to the site on the big day, lining up sponsors, contacting
80 local media outlets and, most importantly, contracting with specialists in event
81 promotion and security.

82 When it came to security, I knew just who to call – my old friend, Cooper
83 Malone. I first met Cooper when s/he was still a cop in L.A. One of my
84 Hollywood-based clients had accused me of threatening to enlist one of New York's
85 most reputed organized crime figures to travel to L.A. and break his legs if he
86 switched representation. That, of course, was complete malarkey, but because my
87 father had represented the same supposed organized crime figure in the past, people
88 assumed I was guilty by association. Anyways, Cooper was one of the cops assigned
89 to the investigation and was the only one who ever showed me any kindness or
90 respect during that ordeal. I ultimately settled the case in civil court, and no
91 criminal charges were ever filed. But I never forgot how Cooper treated me and,
92 after all was said and done, we became friends and kept in touch over the years.

93 So, when it came time to contract for security for the Snake River Canyon jump,
94 calling on Cooper was a no-brainer. I know her/his company specializes in cyber
95 security, but I was confident her/his years of experience as a cop on the streets of
96 L.A. made her/him more than qualified to handle crowd control at an event like this
97 – and so was s/he. I told Cooper our permit allowed us to sell somewhere in the
98 neighborhood of 3,500 tickets, so s/he and her/his staff should plan accordingly and
99 set up a perimeter large enough to handle a crowd at least that size. I left it up to
100 her/him to coordinate with Tracey German regarding the number of on-duty Twin

101 Falls police officers who would be present to handle any heavy lifting in the event of
102 any real security issue that might occur. Cooper assured me s/he would take care of
103 the details and do everything in her/his power to make sure the event ran smoothly.
104 And, as far as I'm concerned, s/he did. It's not Cooper's fault that the event drew a
105 bigger crowd than expected or that Tracey German failed to live up to her/his
106 agreement to send enough city officers to police the event. Cooper has always been a
107 real straight-shooter, and I know s/he did her/his level best to do everything that
108 was required of her/him when it came to providing security for Yolo's jump.

109 In addition to contracting with Cooper for security, I also got a hold of one of my
110 contacts at ESPN8 – The Ocho and told them we were looking for an Event
111 Production Director – you know, someone who could really gear up some
112 excitement and sell tickets for the Snake River Canyon jump (part deux). Little did I
113 know The Ocho would send one of their most inexperienced people to handle the
114 job. Don't get me wrong. Raney Alderman did a great job promoting the jump.
115 But as far as I can tell s/he completely ignored my instructions to coordinate with
116 Cooper regarding the actual number of spectators allowed by our permit, much less
117 the size of the crowd Cooper felt s/he and her/his staff could actually handle from a
118 security standpoint. Raney made it "rain people" alright, but when things went
119 wrong and the crowd s/he was responsible for assembling got ugly, Raney was the
120 first one to duck for cover and high-tail it out of there.

121 I'm not sure what went wrong on the day of the jump, but I'm confident it
122 wasn't Yolo's fault. We followed Dale Malevo's advice to a T and delayed the jump
123 for more than two hours due to the weather. Sure, Yolo was nervous by the time the
124 jump finally got underway, but who wouldn't be under the circumstances? S/he was
125 attempting to do what no person before her/him had ever successfully done, in
126 windy conditions, in front of a huge crowd of people, all of whom were clearly

127 hungry and tired of waiting for the action to begin. There's no way Yolo
128 intentionally deployed her/his chute early; the jump was just too important to
129 her/him. I know some people say that there's no such thing as bad publicity but I
130 have been in this business for a long time and I can tell you that there is, and a failed
131 jump would not be good for publicity or my reputation.

132 If anyone is at fault here, it is Dale Malevo – who obviously designed a defective
133 Moto-Rocket with a defective parachute. As for the riot, I blame Raney and the City
134 of Twin Falls. After all, Raney obviously sold way too many tickets for the jump
135 and, even if s/he hadn't, the city still failed to provide enough on-duty police officers
136 to cover what they knew, in any case, would be a huge event.

137 Look, I knew it when I first met with Tracey German and I know it now: Twin
138 Falls is a po-dunk town, full of small-minded people with small ideas. If the city
139 wanted Yolo or Pepperstein Promotions to be responsible for the site cleanup, they
140 should have negotiated for that and included it in our contract. Since they didn't,
141 and since Yolo used her/his best efforts to complete the jump but was thwarted
142 through no fault of her/his own, there's just no way Yolo or my company are in any
143 way responsible for the damages Twin Falls claims to have suffered in this case.

144 Unfortunately, since the Snake River Canyon fiasco, Yolo and I have had what
145 you might call a "parting of the ways." After the failed jump attempt, I wrote and
146 published a book called "The Yolo Years: An Insider's Look At The Ups And Downs
147 Of A Stunt Icon's Career." Yolo was less than thrilled about the book and threatened
148 to push me off the edge of a canyon should I ever come near her/him again. For
149 obvious reasons, I'm no longer Yolo's manager, or even a fan, but I still believe Yolo
150 made every effort to complete the Snake River Canyon jump. Why would I have
151 staked my own reputation and financial well-being on the jump if I didn't believe

152 s/he would follow through with it? Look, it's no secret at this point that I dislike
153 Yolo, but even I have to admit that s/he's not responsible for any of this mess.

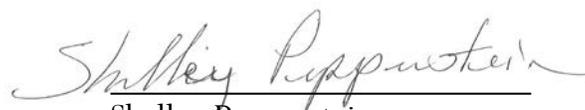
154

WITNESS ADDENDUM

155 I have reviewed this statement, and I have nothing of significance to add at this
156 time. The material facts are true and correct.

157

Signed,



Shelley Pepperstein

158

Exhibits

The subsequent pages of this section include the following exhibits:

Exhibit 1: Event Contract

Exhibit 2: Diagram & Map of Jump

Exhibit 3: Moto-Rocket Prime Specifications

Exhibit 4: Photographs of Event Aftermath

Exhibit 5: DEQ Notice of Violation

Exhibit 6: Environmental Site Report & Cost Estimate

Exhibit 7: Event Flyer

Exhibit 8: Pre Event News Brief

Exhibit 9: Post Event Magazine Article

Exhibit 10: Cooper Security Advertisement

Exhibit 11: Special Event Permit Application

Exhibit 12: Special Event Permit

EXHIBIT 1: EVENT CONTRACT

On this 5th day of July, 2012 the City of Twin Falls (Twin) and Yancy "Yolo" Olson (Olson) enter in to the following agreement.

WHEREAS, Olson and Twin desire to reenact the event of September 8, 1974 wherein stunt motor cycle legend Evel Knieval attempted to jump the Snake River Canyon in a rocket-powered motorcycle.

THEREFORE, in consideration of the foregoing and the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto promise and agree as follows:

1. JUMP EVENT. Olson agrees to use a motorcycle to jump the Snake River Canyon (hereinafter "the Jump"). The Jump will take place on September 8, 2012 at noon. The launch and landing will take place on private property on the South and North rims of the Snake River Canyon, which property is to be separately leased by Olson. The motorcycle and all equipment necessary to complete the Jump shall be the responsibility of Olson.

2. BEST EFFORTS. Olson will make his/her best professional efforts to successfully complete the Jump. Olson agrees to do nothing to interfere with or prevent the completion of the Jump. The Jump may not be cancelled or delayed for any reason.

3. VIEWING AREA. Twin will provide a viewing area for spectators on city property. Twin will fence the area and establish entrance gates. Twin will separately contract with vendors to sell food and beverages within the enclosed viewing area. Only food and beverages sold by vendors in the viewing area will be allowed. No food or beverages shall be brought into the closed viewing area by attendees.

4. ADMISSION TO EVENT. Admission to the viewing area will be limited to paid attendees. The number of attendees shall be determined at a later date depending on the size of the viewing area, and shall be set forth in a written addendum to this agreement. Admission shall be no less than \$50 per ticket. Olson shall be responsible for ticket sales. Olson will provide security sufficient to admit, monitor and control the anticipated event attendance.

5. TRASH SERVICES. Twin will provide trash receptacles and trash removal services for the viewing area that are usual and customary for an event of this type based on the amount of food and beverages to be supplied by vendors and anticipated event attendance.

6. COMPLIANCE WITH ALL LAWS. Olson agrees that in conducting the Jump s/he will comply with all federal, state, county, and municipal laws and regulations of any nature whatsoever. Olson will obtain all necessary approvals and permits. Twin agrees to provide an event permit as a condition of this agreement.

7. DAMAGES AND COSTS. Olson agrees that foreseeable damage to Twin will result from Olson's failure to perform the terms of this agreement. Olson agrees that should s/he cancel the Jump or fail to use his/her best efforts to complete the Jump then Olson will reimburse Twin for all costs associated with the Jump.

YANCY "YOLO" OLSON

CITY OF TWIN FALLS



Yancy "Yolo" Olson



Tracey German, City Manager

EXHIBIT 2: DIAGRAM & MAP OF JUMP

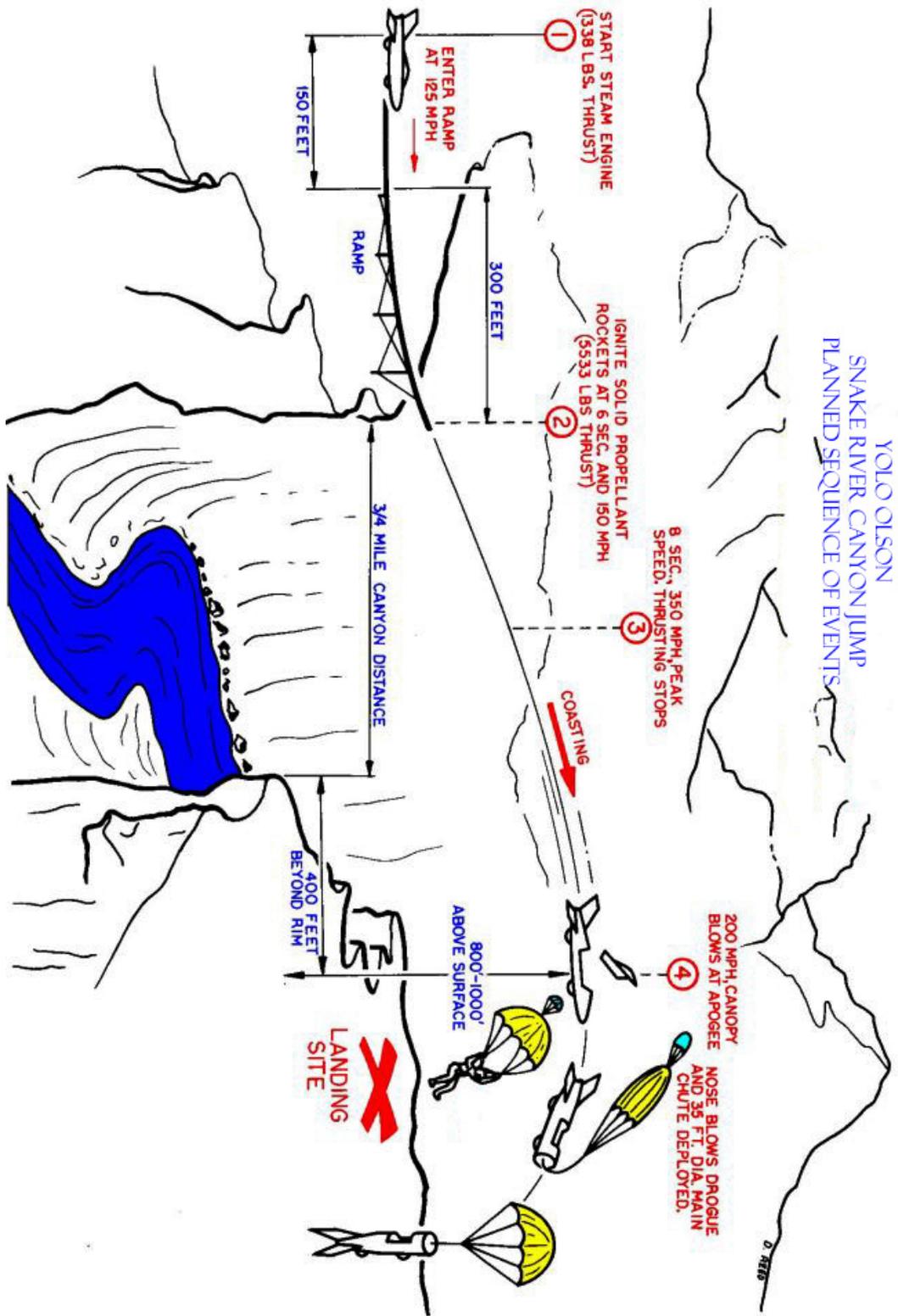


EXHIBIT 3: MOTO-ROCKET PRIME SPECIFICATIONS

Specifications for the Moto-Rocket Prime

Dr. Dale Malevo has pulled together a team to recreate Evel Knievel's attempted jump over the Snake River Canyon in Idaho. Along with his/her team, Dr. Malveo has set out to design and build the world's most advanced motorcycle/rocket hybrid, the Moto-Rocket Prime.

Malveo serves as aerodynamic engineer. Moto-X champion Yolo Olson will bravely pilot this masterful engineering design across the Snake River Canyon.

The Moto-Rocket Prime features Carbon Kevlar construction with two turbocharged engines producing a combined 1,000+ HP. It is 25.5' long, 2' wide and 3' tall, a true rocket on two wheels powered by methanol fuel and filled with 10W40 full synthetic oil.

CLASS	Division C (Streamlined Motorcycle) - Type IV
CHASIS	Carbon Kevlar
FUEL	Methanol
DIMENSIONS	Length 306"/Width 24"/Height 36"
ENGINES	2 Rocket III Engines
DISPLACEMENT	2,900cc Combined (1,485cc Per Engine)
TURBO CHARGER	2876R Ball Bearing, Liquid Cooled
ENGINE OIL	1040W Full Synthetic
COOLANT	Water (As Required by Fuel Class)
HORSEPOWER	1000 + At 9,000 RPM, up to 370 MPH
WIND DRAG	Normal Function up to 13 - 15 MPH
TORQUE	500 + FT LBS.
SUSPENSION	Alloy Aluminum Swing Arms
SHOCKS	TTX36 Adjustable
TIRES	Land Speed Specials
BRAKES	Carbon/Carbon Rear Disc Break
PARACHUTE	Ribbon Type - High and Low Speed, Non-Automatic under 800' and 250 MPH

EXHIBIT 4: PHOTOGRAPHS OF EVENT AFTERMATH
Exhibit 4A



Exhibit 4B



Exhibit 4C



Exhibit 4D



EXHIBIT 5: DEQ NOTICE OF VIOLATION



STATE OF IDAHO
MOCK DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 NOT REALLY THE ADDRESS, BOISE, ID 83706

February 21, 2013

City Manager Tracey German
City of Twin Falls
321 Street Address
Twin Falls, ID 83301

RE: Notice of Violation #2013-1EK

Dear Tracey German:

Based on information currently available, we have identified the following apparent violation:

Unauthorized Release of Fuel or Oil
Property Owned by the City of Twin Falls
Yolo Olson Jump Site

As the responsible person in charge of the site, you are required to collect, remove, and dispose of the spilled material.

You must respond to this office within **15 days** of receipt of this letter with a description of all corrective actions taken, or a schedule proposing when the necessary actions will be taken. Please be aware that failure to adequately respond to this request in the time frame specified in this letter may result in escalated enforcement action. **This may result in penalties up to \$10,000 per day per violation per facility.** This may include referral of your facility to the Idaho Attorney General's Office to compel compliance in accordance with applicable law.

Sincerely,

Environmental Specialist

EXHIBIT 6: ENVIRONMENTAL SITE REPORT & ESTIMATE

SUBSURFACE CONTAMINATION ASSESSEMENT for the YOLO OLSON JUMP SITE

Prepared for City Manager Tracey German
City of Twin Falls
321 Street Address
Twin Falls, ID 83301

Project Number 2013-0415

March 8, 2013

1.0 EXECUTIVE SUMMARY

CONSULTANT has conducted a Subsurface Contamination Assessment of Yolo Olson Jump Site in Twin Falls, Idaho. The assessment was performed for the City of Twin Falls. The subject site consisted of an approximate 1.1 acres tract owned by the City of Twin Falls containing vacant land located adjacent to the Snake River. The assessment included nine borings to a depth of 12 feet in the vicinity of a rocket motorcycle hybrid that was deposited on the site following an incomplete jump across the Snake River Canyon. Both soil and groundwater samples were analyzed for total petroleum hydrocarbons (TPH), benzene, toluene, and xylene.

The results of the investigation conducted at the subject site indicated that soil and groundwater beneath the subject site have been impacted by TPH, ethylbenzene, and total xylene. The TPH, ethylbenzene, and total xylene concentrations identified in four of the soil samples and two of the groundwater samples from the subject site were above the State of Idaho clean-up levels.

Based on the results of this investigation, CONSULTANT recommends that all impacted soil in the vicinity of the rocket motorcycle hybrid be excavated and disposed of and all impacted water be remediated in accordance with Idaho guidelines.

The cost for CONSULTANT to perform the remediation is estimated to be \$49,000. If the volume of soil exceeds the quantities estimated, additional costs will be required.

EXHIBIT 7: EVENT FLYER

Come One!
Come All!

**See Yolo
Do What
Ever
Could
Not!**

*Open to the Public
Food & Beverage Served
On Site*

Yancy "Yolo" Olson

**See It
Live and
Direct From
Snake River
Canyon
Twin Falls,
Idaho**

Saturday, September 8, 2012 Gates Open at 8:00 AM

EXHIBIT 8: PRE EVENT NEWS BRIEF



Sporting News International

NEWS BRIEF

June 2012

Replay: When three time Moto-X World Champion Yolo Olson competes for a fourth consecutive X-Games title this October, Yolo Olson is asking fans to be respectful. And sober. At least in theory.

Yolo just released a public service announcement that asks X-Games fans to consider that the world is watching and that it's important that they not be seen as a bunch of immature miscreants. Sounds like a classy move, right?

Well, it's important to remember that it was just last year that Yolo's fans practically started a riot at the X-Games. A few weeks prior to the 2011 X-Games, a Yolo fan posted a video on YouTube in which Yolo tells fans s/he hopes they get "super-duper wasted" and rowdy before attending the Games to "make sure the world knows that Yolo fans represent." The video went viral and X-Games security spent much of their time during last year's games trying to corral drunk and obnoxious Yolo fans.

When asked about the incident, Yolo claims that s/he was just having fun when s/he let a fan film him/her last year and didn't intend for the comments to be taken seriously. "People are gonna do what they're gonna do," Yolo said. "Why should I be responsible for some idiot fan who isn't smart enough to know when a person's words are said with tongue planted firmly in cheek?"

Yolo continued, "I don't need to make a video to get my fans psyched up. I let me performance speak for itself. Even if I did need more publicity, I should get all the notoriety I'll ever desire when I jump across the Snake River Canyon just a few months from now."

Next month's issue of Sporting News International includes a feature article about Yolo's upcoming attempt to jump over the Snake River Canyon, completing the stunt jump that Evel Knievel was unable to in 1974.

EXHIBIT 9: POST EVENT MAGAZINE ARTICLE

SNI	
Sporting News International	
Volume XLIX	Issue XXXVI
September 13, 2013	
Creating Success Out of Failure	
<i>Francis DeVilve, Senior Contributing Writer</i>	
<p>With the exception of a strong sense of self that some would say borders on egotistical, much has changed in Yolo Olson's life since the failed attempt to jump the Snake River Canyon last September, trying to successfully accomplish what Evel Knievel had not been able to nearly 40 years ago.</p>	
<p>The scenario for the attempted jump could not have been more perfect if the star had written it him/herself — and many have said s/he did. The day was sunny and clear with a strong wind to help create some tension. And that wind may have been what doomed the jump, spelling failure yet again for Yancy "Yolo" Olson, who has had four or five other failed jumps during an otherwise brilliant career.</p>	
<p>But even with failure, Yolo's stunt generated millions of dollars and set the perfect hype for the next time Yolo tries to conquer the next stunt on the list. The plain fact is that Yolo's failure to clear the canyon was far more exciting than a perfect leap could ever have been. Whether Yolo or someone else was at fault or s/he did it all on purpose to garner publicity for the X-Games is now beside the point: the truth remains that everyone involved, except those who bought tickets, came out ahead of the game, especially in their bank accounts.</p>	
<p>But even for those who had to pay the \$50 ticket price to witness yet another failed jump across the canyon, it was a memorable sight. Caught up in the heady, star-spangled atmosphere of it all, one commentator murmured, "This looks more like an advertisement for Yolo than a sporting event."</p>	
<p>Dale Malevo, the aerospace engineer who had designed the Moto-Rocket Prime gave Yolo an 80-20 chance of survival due to the higher winds. In fact, Yolo had to wait two-plus hours for the winds to die down. At approximately 2:15 the wind levels were deemed safe.</p>	
<p>The Prime was loud and fiery, just like its driver. A great noise fanned out and there was an acceleration that looked like it could keep pace with an Apollo rocket. And then, in the midst of the acceleration, at the end of the launch ramp just after take-off, there was the startling sight of the parachute popping open, tugging the main chute after it. Yolo was up, but far too slowly and with not nearly enough speed to make it across the canyon. A Northwest wind caught the Moto-Rocket Prime and it sank, swinging, twisting towards the canyon wall.</p>	
<p>"Yolo's going into the river," screamed the crowd who then crashed the fence and surged to the canyon rim. Within minutes Yolo had been airlifted by rescue personnel to the other side. S/he did not seem to know that the parachute had popped prematurely, insisting it must have had triggered automatically in the air.</p>	

"I don't know how this could have happened," s/he said. "The Moto-Rocket went sideways. It turned. I saw the canyon wall come out of the sky." Yolo let the chute go and crashed into the canyon's near side, suffering only a few scratches and a much subdued swagger.

After a ramp side conference with the crew ("We shoulda run one more test, "someone said), Yolo noted, "Dale told me that the parachute blew off on launch. We don't know why, but s/he did tell me a long time ago if it ever got upside down and I saw the canyon wall for me to blow the chute open and I thank him/her for that. I'm glad to be back in one piece, believe me."

There are those who might maintain that Yolo purposely popped his chute the moment the rocket reached the end of the launch ramp. What better a way to build suspense for another attempt—a rematch against the canyon? But if s/he did, it was an act of daring and pinpoint precision far greater than a fully successful jump might have been. The slightest miscalculation and s/he almost certainly would have drowned in the Snake or been crushed to death.

An hour and a half after the jump, Yolo appeared outside his/her hotel, just a touch pale, a touch weak in the handshake. The right side of his/her nose and face wore shallow scratches from the underbrush on the knoll where s/he finally landed.

"Dale Malevo didn't fail," Yolo said, now cognizant of what actually had happened. "It was the parachute that failed. I had the parachute-release stick tucked under my leg and it never got loose. That chute opened just when I hit air, or else just popped under the thrust."

Of course, a year later, Yolo does not seem so forgiving of either Dr. Malevo or his/her manager Shelley Pepperstein. Hindsight being 20/20, Yolo insists that the Moto-Rocket Prime was a poor design that never could have made it across the canyon and that that Dr. Malevo knew the Prime needed some rework after the initial testing.

And Yolo and his manager Shelley Pepperstein have also parted ways. It turns out that during the months leading up to the Snake River Canyon Jump, Pepperstein had been recording his/her interactions with Yolo, intending from the beginning to write a book about the experience.

Several months later, Pepperstein released the book, which Yolo claimed damaged his/her image and was misleading to the public. Olson was outraged because s/he claimed the book misled the public about not only him/herself, but Yolo's associates and family as well. According to sources close to both Yolo and Shelley, a few weeks after the release of the book, Yolo threatened to beat Shelley within an inch of his/her life for printing what Yolo insists are lies. When asked about the incident, Yolo refused to comment, but Shelly reported to be caught completely off guard and had no idea Yolo would seek vengeance.

As Yolo moves forward in the dangerous world of stunt jumping, it's interesting to think back on the immediate aftermath of the event. Going back into the hotel, Yolo seemed almost humble. "I'm the luckiest person in the world," s/he said. Of course, s/he always has been—and that is the best hype of all.

EXHIBIT 10: COOPER SECURITY ADVERTISEMENT



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Internet crime is the fastest growing crime in our country. Cooper Security can help you avoid being a victim of cybercrime. Owner and principal, Cooper Malone, is a former Los Angeles police detective with over 20 year's experience and expertise in:

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EXHIBIT 11: SPECIAL EVENT PERMIT APPLICATION

SPECIAL EVENTS LICENSING Permit Application

Office of the City Clerk, 1234 Main Street, Twin Falls, Idaho 83303

ATTENDANCE AND PARTICIPANT GOOD FAITH ESTIMATE

The attendance and participant good faith estimate provided by the applicant, promoter, or sponsor shall accompany the special event application. **The applicant shall provide a short written statement explaining the basis upon which the estimate is made.** The statement shall include all the relevant factors known at the time, including, without limitation, past attendance at similar functions having the same and similar performers, both in Twin Falls and comparable communities, the price of admission and the extent of advertising and promotion contemplated.

Name of the Event: Yancy "Yolo" Olson Snake River Canyon Jump

Date of the Event: September 8, 2012 Start and Finish Times of Event: 8:00am - Noon

Print Name of Organizer: ESPN8 / Raney Alderman

Email / Cell Phone: Rainmaker@espn8.com / 172-466-2537

Organizer's Mailing Address: PO Box 94263, New York, NY 10065

Good Faith Estimate for this Event: +/- 10,000

Location of Event: Evel Knievel Memorial Park

Basis Statement for Estimate: Yolo Olson is one of the top X-Games competitors in the world, and ESPN8 "The Ocho" is the top promoter and event producer in the U.S. Yolo has hundreds of thousands of fans who love to see him rock n roll. When the Rainmaker says there will be 10,000 people, you can bet there will be 10,000 people.

EXTRAORDINARY RESOURCES AGREEMENT

Special event applicants, promoters and sponsors whose special events require the use of extraordinary City resources as a result of their anticipated attendance or heightened security concerns shall be required to pay for those extraordinary resources, as determined by the City's department or division designee to the Special Events Coordination Committee. Full cost recovery for extraordinary resources shall be required no later than 60 days following the conclusion of the special event. Any extraordinary resources for which there are additional costs shall be solely dedicated to the special event.

By my signature, I hereby acknowledge my understanding of the aforementioned requirement concerning the payment for extraordinary resources and application fee.

This entire application needs to be completed.

ESPN8

Name of Event Organizer

/s/ Raney "Rainmaker" Alderman

Signature of Event Organizer

EXHIBIT 12: SPECIAL EVENT PERMIT

SPECIAL EVENT PERMIT

Office of the City Clerk, 1234 Main Street, Twin Falls, Idaho 83303

YANCY OLSON (the Organizer) is hereby granted this Special Events Permit for THE YANCY "YOLO" OLSON SNAKE RIVER CANYON JUMP (the Event) to take place on SEPTEMBER 8, 2012 at THE EVEL KNIEVEL MEMORIAL PARK.

The Event will begin at 8:00 A.M. and end at 12:00 P.M.. The Organizer is allowed TWO hours days before and after the Event times for set up and take down.

The attendance at the Event is to be limited to FIVE THOUSAND (5,000).

The Organizer has arranged for COOPER SECURITY to provide security for the event.

The Organizer will will not serve alcohol at the Event.

The Organizer will will not serve food at the Event.

Unless specifically exempted the Organizer will at all times comply with all federal, state, county and municipal laws and regulations of any nature whatsoever.

EXTRAORDINARY RESOURCES AGREEMENT

Special event Organizers whose special events require the use of extraordinary City resources as a result of their anticipated attendance or heightened security concerns shall be required to pay for those extraordinary resources, as determined by the City's department or division designee to the Special Events Coordination Committee. Full cost recovery for extraordinary resources shall be required no later than 60 days following the conclusion of the special event. Any extraordinary resources for which there are additional costs shall be solely dedicated to the special event.

CLERK OF THE CITY OF TWIN FALLS

/s/ Severus McCormick
Joe Blow

Dated August 15, 2012

Jury Instructions

INSTRUCTION NO. 1

These instructions explain the duties of jurors and define the law that applies to this case. It is the jury's duty to determine the facts, to apply the law set forth in these instructions to those facts, and in this way to decide the case. The jury's decision should be based upon a rational and objective assessment of the evidence. It should not be based on sympathy or prejudice.

It is the judge's duty to instruct the jury on the points of law necessary to decide the case, and it is the jury's duty to follow the law as the judge instructs. The jury must consider these instructions as a whole, not picking out one and disregarding others. The order in which these instructions are given or the manner in which they are numbered has no significance as to the importance of any of them.

In determining the facts, the jury may consider only the evidence admitted in this trial. This evidence consists of the testimony of the witnesses, the exhibits admitted into evidence, and any stipulated or admitted facts. While the arguments and remarks of the attorneys may help the jury understand the evidence and apply the instructions, what they say is not evidence. If an attorney's argument or remark has no basis in the evidence, the jury should disregard it.

The production of evidence in court is governed by rule of law. At times during the trial, the judge sustained an objection to a question without permitting the witness to answer it or to an offered exhibit without receiving it into evidence. Some evidence may have been admitted for a limited purpose. If so, the judge called your attention to this when the evidence was admitted. Remember that whenever evidence was admitted for a limited purpose, the jury must not consider such evidence for any purpose other than the limited purpose for which it was admitted.

The judge's rulings are legal matters, and are solely the judge's responsibility. The jury must not speculate as to the reason for any objection, which was made, or the judge's ruling thereon, and in reaching its decision the jury may not consider such a question or exhibit or speculate as to what the answer or exhibit would have shown. Remember, a question is not evidence and should be considered only as it gives meaning to the answer.

The law does not require the jury to believe all of the evidence admitted in the course of the trial. As the sole judge of the facts, the jury must determine what evidence to believe and what weight to attach to it. In so doing, the jury brings to this courtroom all of the experience and background of the jurors' lives. There is no magical formula for evaluating testimony. In their everyday affairs, the jurors must determine for themselves whom they believe, what they believe and how much weight they attach to what they are told. The considerations the jurors use in making the more important decisions in their everyday dealings are the same considerations they should apply in their deliberations in this case.

INSTRUCTION NO. 2

The Plaintiff, the City of Twin Falls, claims that the Defendant, Yancy "Yolo" Olson, was negligent, and that the Defendant's negligence resulted in injuries to the Plaintiff. The Plaintiff has the burden of proof on each of the following propositions:

1. The Defendant was negligent.
2. The negligence of the Defendant was the proximate cause of the alleged injuries to Plaintiff.

Jurors will be asked to deliberate on the following question: Was the Defendant negligent, and if so, was the negligence a proximate cause of the alleged injuries to the Plaintiff?

If the jurors find from their consideration of all the evidence that each of these propositions has been proven, they should answer this question “Yes.” However, if they find that any of these propositions has not been proven, then the Plaintiff has not met the burden of proof required and the jurors should answer the question “No.”

INSTRUCTION NO. 3

The elements of negligence are: (1) a legal duty to use due care; and (2) a breach of such legal duty. Negligence may consist of action or inaction. Liability for negligent conduct may only be imposed where there is a duty of care owed by the Defendant to the Plaintiff or to a class of which the Plaintiff is a member. A duty to the Plaintiff is an essential element, which may be imposed by law, be assumed by the Defendant, or exist by virtue of a special relationship. In determining negligence, you should consider whether party acted or failed to act as an ordinarily prudent or reasonable person would act under the circumstances.

INSTRUCTION NO. 4

The word “negligence” in these instructions means the failure to use ordinary care in the management of one's person or property. The words “ordinary care” mean the care a reasonably careful person would use under circumstances similar to those shown by the evidence.

Negligence may thus consist of the failure to do something which a reasonably careful person would do, or the doing of something a reasonably careful person would not do, under circumstances similar to those shown by the evidence.

INSTRUCTION NO. 5

The expression “proximate cause” means a cause that, in natural or probable sequence, produced the injury, the loss or the damage complained of. It need not be

the only cause. It is sufficient if it is a substantial factor in bringing about the injury, loss or damage. It is not a proximate cause if the injury, loss or damage likely would have occurred anyway.

There may be one or more proximate causes of an injury. When the negligent conduct of two or more persons or entities contributes concurrently as substantial factors in bringing about an injury, the conduct of each may be a proximate cause of the injury regardless of the extent to which each contributes to the injury.

INSTRUCTION NO. 6

When the judge says that a party has the burden of proof on a proposition, or use the expression “if you find” or “if you decide,” the judge means that the jury must be persuaded by a preponderance of evidence. This means that the proposition is more probably true than not true.

INSTRUCTION NO. 7

There were certain state statutes and city ordinances in force at the time of the occurrence in question, which provided that:

- A) In the case of an unauthorized release of fuel or oil to state waters or to land, the responsible person in charge must collect, remove, and dispose of the spilled material in a manner approved by the Department.
- B) “Responsible person in charge” means any person who by any acts or omissions caused or contributed to an unauthorized release of fuel or oil, or who owns the facility from which the unauthorized release occurred.
- C) No person shall stage, promote, or conduct any special event in the city of Twin Falls without first obtaining a special event permit from the City Manager or her/his designee.
- D) At all special events, it shall be unlawful for any person to:

- (1) Conduct, present, stage or promote a special event without a permit;
- (2) Serve or cause to be served alcohol without a license or permit specifically authorizing the sale and/or consumption of alcoholic beverages at the event site; and
- (3) Violate any condition of a special events permit.

A violation of a statute or city ordinance is negligence, unless compliance with a statute or ordinance was impossible, or something over which the party had no control placed the individual in a position of violating the statute or ordinance, or an emergency, not of the party's own making, caused the individual to fail to obey the statute or ordinance, or an excuse specifically provided for within the statute or ordinance existed.

INSTRUCTION NO. 8

In this case the parties have stipulated or agreed that the amount of damages that should be awarded, if any, will be the subject of a separate trial.

INSTRUCTION NO. 9

The Plaintiff has alleged that the Defendant breached a contract. In order to prove a breach of contract the Plaintiff has the burden of proving each of the following propositions:

1. A contract existed between Plaintiff and Defendant;
2. The Defendant materially breached the contract; and
3. The Plaintiff has been damaged on account of the breach.

The parties stipulate or agree that a contract existed between Plaintiff and Defendant. The parties stipulate or agree that the amount of damages, if any, will be decided in a separate trial.

The terms of the contract that are in dispute are whether the Defendant, Yancy “Yolo” Olson, breached the contract and whether Plaintiff, The City of Twin Falls, has been damaged on account of the breach.

If the jury finds from its consideration of all the evidence that any of the propositions in this instruction has not been proved, its verdict should be for the Defendant.

INSTRUCTION NO. 10

The jury must determine what was intended by the parties as evidenced by the contract in this case. In making this determination the jury should consider, from the evidence, the following:

1. The contract must be construed as a whole, including all of the circumstances giving rise to it, to give consistent meaning to every part of it.
2. Language must be given its ordinary meaning, unless you find from the evidence that a special meaning was intended.
3. Any communications, conduct or dealings between the contracting parties showing what they intended and how they construed the doubtful language may be considered, provided that such may not completely change the agreement or construe one term inconsistently with the remainder of the terms.
4. The contract should be construed to avoid any contradiction or absurdities.

INSTRUCTION NO. 11

A “material breach of contract,” as that term is used in these instructions, means a breach that defeats a fundamental purpose of the contract.

INSTRUCTION NO. 12

Evidence may be either direct or circumstantial. Direct evidence is evidence that directly proves a fact. Circumstantial evidence is evidence that indirectly proves the fact, by proving one or more facts from which the fact at issue may be inferred.

The law makes no distinction between direct and circumstantial evidence as to the degree of proof required; each is accepted as a reasonable method of proof and each is respected for such convincing force as it may carry.

In this case, certain evidence may be admitted for a limited purpose. The judge will call the jury's attention to this when this evidence is admitted. The judge will remind the jury that whenever evidence is admitted for a limited purpose, the jury must not consider such evidence for any purpose other than the limited purpose for which it is admitted.