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## \$2.63 million awarded in fun-park accident

*Jury award may be Van Buren's largest; Formula K owners may appeal.*

**BY ED FINNERTY**  
KALAMAZOO GAZETTE

PAW PAW - Two Western Michigan students hurt when an inflatable slide toppled at the Formula K Family Fun Park in Mattawan were awarded \$2.63 million by a jury in what is believed to be the largest jury award in Van Buren County history.

A Formula K co-owner said he expects the awards to be appealed.

On Sept. 15, 1999, Kortnie Dyson

and Susan Riehm were on a WMU business fraternity outing to Formula K and climbed aboard the Titanic Adventure Slide, a 33-foot tall, air-filled slide shaped like a sinking luxury liner; to pose for a picture. Nine students were ascending the slide, with permission of the attendant, when it tipped over, according to the suit.

Riehm and Dyson, both of whom had reached the top, plunged about 30 feet to the concrete, said Richard Halpert, who assisted partner Bonnie Sawusch in the trial. Riehm suffered a "traumatic brain injury," that has caused losses of memory and concentration, among other problems, according to the suit.

Dyson fractured vertebrae and a foot and was left with a permanent limp likely to worsen over time, Halpert said.

After a three-day trial, a jury on Thursday awarded Dyson \$2 million for past and future losses and awarded \$632,000 to Riehm. Dyson, 24, graduated from Western last August and is a college admissions adviser in Detroit. Riehm, 22, of Okemos, is a junior at WMU currently studying in Germany.

Their Kalamazoo attorneys presented evidence that the slide attendant allowed aboard more people than the four-person limit prescribed by the slide manufacturers, and that there was one attendant

instead of the two called for by the manufacturer.

"There was absolutely no question about negligence," said Circuit Judge William Buhl, who removed the issue from the jury's discretion and instructed it to deliberate on damages.

Buhl, who has been on the Van Buren County bench since 1974, said the \$2.63 million, to his knowledge, is the most a Van Buren jury has awarded in a negligence case. Lawsuits have been settled out of court for larger sums, he said.

The business had \$1 million in liability coverage at the time of the accident, according to court records.

John Stephani, who owns Formula K Family Fun Parks Inc. with Richard Sexton, said he expects to appeal. Asked whether the awards might put the park out of business if they stand, Stephani shrugged: "Don't know. I can't tell you." He declined to comment further. The Kalamazoo Gazette was unable to reach the owners' Battle Creek attorney, Kurt Letzring, for comment.

Formula K, located just off the Mattawan exit to I-94, opened in 1984 and includes water and go-cart rides, miniature golf, batting cages and arcades.

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