

# FLOWRIDER ARBITRATION AGREEMENT (MINORS ONLY)

Name: \_\_\_\_\_  
Minor

Name: \_\_\_\_\_  
Parent or Guardian

Age: \_\_\_\_\_

Date: \_\_\_\_\_

Please read this document. It limits the legal rights of a minor (18 years or younger) who is injured in any way on the FlowRider amusement ride. By signing this Arbitration Agreement, you acknowledge that it contains a legally binding agreement to arbitrate disputes and that you have read the Agreement and agree to its terms.

## 1. INTRODUCTION TO THE FLOWRIDER, OUR DYNAMIC INDOOR SURFING MACHINE

The FlowRider is a dynamic and exciting water amusement ride which simulates the experience of riding an ocean wave. The FlowRider is a body-active participatory sport where the rider "rides" a flowing sheet of water using a Bodyboard or a specially designed Flowboard. Riders should observe the ride and read all posted instructions and warnings before participating in the FlowRider. Riders must be in good physical condition and free from any physical limitations to participate. Pregnant women and persons with a history of heart, back, neck, shoulder or joint problems should not ride the FlowRider.

## 2. RISKS ASSOCIATED WITH USING THE FLOWRIDER

The FlowRider was designed by the manufacturer with the safety of the rider as a primary concern, but as an interactive participatory sport, there are risks associated with its usage. Although many before you have ridden the FlowRider without any problem whatsoever, injuries are possible because of the nature of the ride.

a. You may unavoidably achieve body positions that result in personal injury during your participation and riding may result in the flow of water picking you up and pitching you head over heel into a subsurface that is covered by foam or matting. The tricks, stunts or body positions that you may attempt (or inadvertently achieve) will be based on your real physical abilities and skill level. There is a risk of self-inflicted injury or injury caused by others that can result from such tricks, stunts or body positions.

b. You may sustain injury as a result of slipping on or striking surrounding ride elements, including the ride bottom, flow fence divider, support structures, ride vehicles, containment walls, entering or exit riders, ride attendants or other ride components. Since the attraction and the ride vehicles may contain fiberglass, plastic, wood, or other potentially hardened substances, your contact with them may also cause injury.

## 3. CAN YOU MAKE A CLAIM FOR MONEY DAMAGES IF YOUR MINOR CHILD IS INJURED?

If your minor child is injured and you want to make a claim, you must file a demand before the American Arbitration Association (AAA). The AAA is an independent agency which resolves disputes fairly and without favoritism. Sahara Sam's cannot select who will be the single arbitrator to decide the dispute. The address of the Association is 220 Davidson Avenue, Somerset, New Jersey 08873, Tel. (732) 560-9560. You agree that any dispute between you and Sahara Sam's will be decided by the AAA and that the Arbitration Hearing will take place in Camden County, New Jersey. You are not required to hire a lawyer to make your claim. If you hire your own lawyer, you must pay your own lawyer. If you or Sahara Sam's does not follow the requirements of this document, then you or Sahara Sam's may be required to pay the other's attorney's fees.

**4. SAHARA SAM'S IS ASKING YOU TO GIVE UP LEGAL RIGHTS IN ORDER FOR YOUR MINOR CHILD TO UTILIZE THE FLOWRIDER RIDE.**

Because the FlowRider Ride may increase your child's risk of harm, Sahara Sam's is asking you to give up certain valuable legal rights. Here are the legal rights you are giving up when you sign this document:

- (a) You give up your right to sue Sahara Sam's in a court of law. You must arbitrate a claim.
- (b) You give up your right to a trial by jury. You must arbitrate a claim.
- (c) You give up the right to claim money from Sahara Sam's if you are injured unless Sahara Sam's intentionally and willfully failed to prevent or correct a hazardous condition or unsafe equipment.
- (d) You give up the right to recover damages or punish or make an example of Sahara Sam's, Inc.
- (e) You give up the right to choose the state and county where the Arbitration Hearing will be conducted and you must arbitrate the case in Camden County, New Jersey.

**5. WHO IS BOUND BY THIS WAIVER AND RELEASE?**

You and your minor child are bound by this document. Anyone who has or can obtain your rights is also bound by this document, such as your family, relatives, guardians, executives or anyone responsible for you. As used in this document, Sahara Sam's also includes the people who work for and are associated with Sahara Sam's, such as its owners, managers, employees, officers, directors, stock holders, agents, volunteers, sponsors, vendors and exhibitors.

**6. DO YOU AGREE TO ABIDE BY THE RULES OF SAFE CONDUCT?**

YES \_\_\_\_\_ NO \_\_\_\_\_

The Signature of Your Parent or Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Parent or legal guardian's Driver's license: \_\_\_\_\_

Your Address: \_\_\_\_\_

\_\_\_\_\_

Verbal Statement by Sahara Sam's Waiver Liability Representative:

Please be advised that you have just signed a waiver of liability which limits certain rights you may have by participating on this ride. This ride is considered an extreme ride which means the potential for injury does exist. Sahara Sam's cannot advise you on any of your legal rights however we are required to inform you in advance of participation to review this document and all warning signs prior to utilization. Any information represented by you as false and misleading can result in serious injury.

You must follow all posted regulations located at the ride entrance and lifeguard instructions while riding the Flow Rider. Lifeguards do enforce all posted rules and regulations and will provide basic instructions prior to utilization.

Please sign this form indicating you have been informed by a Sahara Sam's representative of what you are signing and have been provided the option to be a spectator and not participate on this attraction.

\_\_\_\_\_  
Signature of Parent or Guardian