**Shane Baldwin**

**University of Utah**

**PRT 3520**

**Alex Moradian V. Deer Valley Resort Company**

Alex Moradian was skiing at Deer Valley Ski Resort on January 22, 2012. Moradian and his friend, Tuesday Nunes, were traveling down a beginner slope with very few other skiers. While skiing Alex was stuck from behind by who he thought was a Deer Valley Ski Instructor, this person appeared to be wearing a green employee jacket. The unidentified individual asked Alex if he was hurt and if he was in need of assistance by the ski patrol, Alex declined and the individual skied off. After the incident, Alex attempted to ski to the lodge but his knee was injured, so he took of his skis and walked to the lodge.

It wasn’t until he returned from his ski vacation, and finally visited a doctor that he found out that he would need to have surgery to repair the injury, at which time he contacted Deer Valley to report the incident. Because of the Utah Ski Statute, a skier is not able to claim a ski area liable for injuries due to the giving risks of skiing (*Moradian v. Deer Valley Resort Company, 2012)*. In order to challenge this statute Moradian would have to show that Deer Valley was negligent with regard to their relationship with the alleged employee and the actions of that employee.

The only eyewitness to the incident was Alex’s friend Tuesday Nunes, who stated that the skier behind Alex did not appear to be out of control, speeding or reckless. Moradian also provided the opinion of James Isham, a snow sports industry expert, who felt that because it was a beginner area and there was a collision that occurred, the skier that hit Alex was being reckless.

In the case of *Clover v. Snowbird ski resort* the Utah Supreme Court held that the "inherent risks of skiing are those dangers . . . or hazards that cannot be eliminated by the exercise of ordinary care on the part of the ski area operator" (*Clover v. Snowbird*, 1991). In this case Snowbird was found to be at fault for evidence that showed that the resort was aware of the potential for an incident in the location the accident occurred (*Clover v. Snowbird*, 1991). In comparison, Moradian was unable to show that Deer Valley was aware of any dangerous hazards do to terrain or slope that might create an incident.

Moradian alleged that Deer Valley was negligent with hiring and training of employees, claiming that their employee, a ski instructor was an unsafe skier. Since there was no way of identifying this person as an employee or labeling them as having a history of reckless skiing, Deer Valley was not held at fault for hiring and training unsafe employees.

As a future supervisor working for a ski resort I need to be sure that I have the resources and knowledge about the laws that affect the employees that I will be responsible for. Making sure that I seek legal advice with any and all trainings, code of conducts, rules and regulations. I see that by having expected standards established within these documents it would protect me, the company, and the employees from incidents that might lead to litigation.

As a ski instructor for last 10 years at Alta I have seen how the company reacts to the environment of law and litigation. Every year Alta changes the rules with how we are allow to move about the mountain while wearing our uniforms. Just this year we are verbally told, after on snow training, that we are now off the clock, any activities that we engage in after that moment is not the responsibility of the company. An instructor is also not allowed to ski in their uniform jacket on any terrain that they are not authorized to ski with clients. It does seem that over time we as employees are losing our freedoms and rights for our own actions but in reality it is to protect the company and us as employees. Once we take off our uniform we are considered patrons of Alta and free to ski as a guest of the resort.

There needs to be a balance with regards to managing the safety of clients, employees and the company. At the same time satisfy the needs of each of these entities or else they would not want to be willing participants. I have noticed over the years the importance of making good decisions that benefit the greater needs of all over the needs of one. I need to be aware of what might happen if I want to go skiing after I am released from my shift and I am wearing my uniform. There are greater implications then my needs to have fun and being inconvenienced by having to go into the locker room to put on another jacket. Being aware of the guide lines for when I am responsibility to the company and people on the mountain, then I am able make good choices as an employee that will overall protect and secure.

References

*Moradian v. Deer Valley Resort Company*, No. 2: 10-cv-00615-DN (D. Utah Aug. 16, 2012).

*Clover v. Snowbird Ski Resort*, 808 P.2d 1037 (Utah 1991).