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STATE OF INDIANA)
) SS:
COUNTY OF PARKE)

CLERK PARKE CHOUIT COURT

IN THE CIRCUIT COURT OF PARKE COUNTY

LASHAWN JACKSON, Plaintiff

VS.

RICH MAY d/b/a
MCCORMICK SADDLE BARN,
Defendant.

CAUSE NO. 61C01-1605-CC-000147

COURT ORDER

Comes now the Court and having taken Defendants' Motion for Summary Judgment under advisement now issues the following Order: Plaintiff was injured while trying to mount a horse at the Defendants' place of business. Defendants assert that Plaintiff signed a valid waiver and that the Equine Activities Statute and Indiana common law precludes liability. Plaintiff 'did not address the Equine Activities Statute in her Response to Defendant's Motion for Summary Judgment, but in oral argument counsel claimed that Plaintiff's attempt to mount the horse was not an equine activity. The Plaintiff cited no authority to such a position and common sense dictates that in fact, getting on a horse is very much an equine activity. As to the waiver issues, Plaintiff's counsel argues that Plaintiff did not read the entire waiver. Even if that is true, that is her fault. She cannot blame the Defendant for her failure to read what she signs. As to common law, getting on the horse is an obvious risk inherent with horseback riding. Defendant cannot voluntarily agree to go horseback riding and then claim she did not know the risk inherent with getting on a horse. As Defendant's counsel points out, that is tantamount to going to a baseball game or golf match and suing for getting hit with a ball. The risk is obvious and inherent with the activity. Plaintiff's claim in her Affidavit that she told Defendants' employees that she had decided not to ride, and Defendants' employees statement that "no you can do this" does give the Court pause, but Plaintiff fails to provide any legal argument that this assurance to Plaintiff changes any of the above analysis.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED THAT there is no genuine issue of material fact precluding the granting of Defendants' Motion for Summary Judgment. Summary Judgment is hereby granted as requested in favor of Defendant and against Plaintiff. Plaintiff shall take nothing by way of her complaint.

ALL OF WHICH WAS ORDERED THIS 10th DAY OF MAY, 2017.

HON SAM A. SWAIM, JUDGE

PARKE CIRCUIT COURT