

<b>“FlowRider®” - PA Disclosure of Danger &amp; Release of Liability</b>		
Last Name	First Name & Middle Initial	18 yrs. or older Yes / No (Circle one)
Street Address		Guest room number (if none leave blank)
City	State	Zip Code

### **DISCLOSURE OF DANGER**

RIDING THE FLOWRIDER® IS AN EXTREME SPORT AND A HIGH RISK RECREATIONAL ACTIVITY. SHEET WAVE SURFING ON OR IN CLOSE PROXIMITY TO THE FLOWRIDER® MAY RESULT IN SERIOUS PHYSICAL OR MENTAL INJURY, ILLNESS, SPINAL CORD INJURY, DISEASE, OR DEATH.

Riding the FlowRider® in a standing position takes more skill, balance, and experience than riding on the body board laying down. First-time riders are strongly encouraged to experience the FlowRider® lying on the foam body boards on their stomachs until they become accustomed to the operation of the FlowRider®. The FlowRider® is not a pool. The water flow on which you will be riding is very shallow and is not more than 4 inches deep. The bottom of the FlowRider® is a hard surface. When falling from an upright position, fall to your side and not head first. Tuck your chin and protect your head and neck from serious injury.

The FlowRider® is a very aggressive white water attraction. You may unavoidably achieve body positions that result in personal injury during your participation in FlowRider® operations. The tricks, stunts or body positions that you may attempt (or inadvertently achieve) will be based upon your physical and mental 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 which exceed your skill level or physical conditioning (and which may occur irrespective of your skill level). For instance, you may sustain injury as a result of striking surrounding ride elements, e.g., ride bottom, entry slide, ride vehicles, containment walls, entering/exiting riders, ride attendants, or other ride components. In addition, since the attraction and its ride vehicles (flowboards/bodyboards) may contain fiberglass, plastic, wood, metal or other hard and potentially dangerous materials, contact with them may also cause injury.

**You should not participate if you have a pre-existing heart, spine, head, neck, muscle, or joint issues.**

**Pregnant women should not participate.** To participate, you need the physical strength, balance, conditioning, and coordination of a physically active lifestyle. This activity is risky. Although many before you have ridden unscathed, severe spinal cord injury, or death is possible.

BY SIGNING BELOW, I ACKNOWLEDGE THAT I AM FULLY AWARE OF THE AFORESAID PHYSICAL RISKS OF RIDING THE FLOWRIDER® AND THAT I HAVE READ AND UNDERSTOOD ALL THE SAFETY INSTRUCTIONS AND WARNING SIGNS CONTAINED IN THE WAIVER AND POSTED AT OR NEAR THE FLOWRIDER®.

Dated: \_\_\_\_\_ Participant Signature \_\_\_\_\_

Dated: \_\_\_\_\_ Legal Guardian Signature \_\_\_\_\_  
(only if Participant is under 18 Years Old)

Print Guardian's Name \_\_\_\_\_

Kalahari Witness On Duty \_\_\_\_\_ (name) Time of day \_\_\_\_\_

**PENNSYLVANIA FLOWRIDER®**

**RELEASE of LIABILITY**

I, THE UNDERSIGNED, UNDERSTAND AND ACKNOWLEDGE THAT FLOWBOARD RIDING ACTIVITIES HAVE INHERENT DANGERS THAT NO AMOUNT OF CARE, CAUTION, INSTRUCTION, OR EXPERTISE CAN ELIMINATE AND I EXPRESSLY AND VOLUNTARILY ASSUME ALL RISK OF PERSONAL INJURY OR DEATH, WHETHER FORSEEABLE OR NOT, SUSTAINED IN CONNECTION WITH MY VOLUNTARY PARTICIPATION IN FLOWRIDER®. I UNDERSTAND THAT THE FLOWRIDER® IS AN AGGRESSIVE WHITEWATER ATTRACTION AND AN EXTREME RECREATIONAL SPORT THAT REQUIRES ME TO HAVE THE PHYSICAL STRENGTH, CONDITIONING AND COORDINATION OF A PHYSICALLY ACTIVE LIFESTYLE.

My signature acknowledges that I or the minor for whom I am legal guardian have voluntarily chosen to participate in the recreational activity known as Flowrider®. In consideration for the permission to use the Flowrider®, on behalf of myself, my spouse, my dependents, my heirs, distributees, guardians, legal representatives and assigns I voluntarily and knowingly release, discharge, waive, and relinquish any and all claims or causes of action for personal injury, property damage, or wrongful death against: FLOWRIDER, INC., AQUATIC DEVELOPMENT GROUP, INC. (“ADG”), WHITEWATER WEST INDUSTRIES, LTD., KALAHARI RESORTS LLC (WI & DE), KALAHARI MANAGEMENT CO., LLC; KALAHARI MANAGEMENT SPE, LLC and any of its subsidiary companies, affiliates, assigns, and designees (hereinafter “Releasees”), or any officer, director, member, agent, servant or employee of Releasees for any accident or injury arising out of or related to the use of the FlowRider® located at the Kalahari Resort and Convention Center in Pocono Manor, Pennsylvania including accidents or injuries caused in whole or in part by the negligent acts or omissions of Releasees’ employees, contractors, suppliers, vendors, or agents.

This RELEASE shall be construed and enforced in accordance with the laws of the Commonwealth of Pennsylvania. Any action at law, suit in equity, or other jurisdictional proceeding arising in connection with this Agreement or my participation on the FlowRider®, shall be instituted only in the courts of Monroe County, Pennsylvania.

**I AM AWARE THAT THIS IS A LEGALLY BINDING AGREEMENT AND THAT I AM GIVING UP MY LEGAL RIGHTS TO SUE THE ABOVE NAMED RELEASEES BY SIGNING BELOW.**

**Participant’s Name: (Please Print)** \_\_\_\_\_

Participant’s Signature: \_\_\_\_\_ Date \_\_\_\_\_

Legal Guardian Signature: \_\_\_\_\_ Date \_\_\_\_\_  
(If Participant is a minor)

\_\_\_\_\_  
Print Guardian’s name