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Statement On Behalf of The Parents of Wongel Estifanos About the Filing of the Wrongful Death Civil Action

Today the parents of Wongel Estifanos took the first step in their battle for the full truth and full accountability from the amusement park that killed their beloved 6-year-old daughter Wongel.

Estifanos Dagne and Rahel Estifanos have filed a wrongful death civil action against the Glenwood Caverns Adventure Park. They will use this civil action to force the full truth to be disclosed to them, and to the public. Their mission is to protect other families by holding all who are responsible for the killing of their daughter fully accountable, and by sending a loud and clear message to the entire amusement park industry.

As the wrongful death civil action that was filed today details:

Wongel was killed by the extreme recklessness of Glenwood Caverns and its ride operators.

Glenwood Caverns and the operators knew that if they did not properly belt Wongel into the ride that she would fall 110 feet to her death.

The operators of the ride did not place the seatbelts on Wongel as required.

Even after a warning light on the control screen alerted the operators to a problem with Wongel's seatbelt, the operators failed to look and see that they had not belted Wongel into the ride.

Instead of unloading the ride after the warning light alerted them to a problem with Wongel's restraints, the Operators did a work-around and launched the ride with Wongel completely unbuckled.

Glenwood Caverns failed to teach the ride operators what to do if a warning light went off.

As the State of Colorado determined, passengers cannot be expected to know or correctly belt themselves into the ride.

Glenwood Caverns is solely responsible for placing the seatbelts on each rider and confirming that each rider is properly restrained.

The State of Colorado concluded that Glenwood Caverns was operating the ride with employees who were not equipped to operate the ride safely.

Before Wongel was killed the park was repeatedly warned by terrified customers that the ride operators were not properly belting passengers into the Haunted Mine Drop.

After Wongel was killed the State of Colorado ordered Glenwood Caverns to turn over all complaints about the Haunted Mine Drop made by customers since the ride opened. The State of Colorado says that (despite that order), Glenwood Caverns did not provide State investigators with the written complaints made to the park by customers in 2018 and 2019. Those horrified customers warned Glenwood Caverns in 2018 and 2019 that operators of the Haunted Mine Drop had failed to belt some passengers into the ride.

Because Glenwood Caverns did not turn the prior warnings from customers over to the State of Colorado investigators as required, it is only because of the media coverage of this killing that we know of the existence of these important witnesses. Because of that the parents of Wongel are respectfully requesting that other witnesses come forward and contact their attorneys at the Dan Caplis Law Firm through:

Dan Caplis
303-770-5551

Estifanos and Rahel thank you for your time and consideration.

Dan Caplis

DISTRICT COURT, COUNTY OF DENVER, STATE OF COLORADO 1437 Bannock Street Denver, Colorado 80202	COURT USE ONLY
Plaintiffs: ESTIFANOS DAGNE and RAHEL ESTIFANOS v. Defendant: GLENWOOD CAVERNS HOLDINGS LLC d/b/a GLENWOOD CAVERNS ADVENTURE PARK	
<i>Attorneys for Plaintiffs</i> Daniel J. Caplis, #13171 Michael P. Kane, #34878 Babar Waheed, #38273 Amy Ferrin, #39310 THE DAN CAPLIS LAW FIRM, LLC 6400 S. Fiddlers Green Circle, Suite 2200 Greenwood Village, CO 80111 Telephone: 303-770-5551 Fax: 303-770-5552 dan@caplislaw.com mpk@caplislaw.com af@caplislaw.com bw@caplislaw.com	Case Number: Courtroom:
COMPLAINT AND JURY DEMAND	

The Plaintiffs herein, by and through her attorneys, The Dan Caplis Law Firm, LLC, hereby files their Complaint and Jury Demand, and demands a jury trial of the following claims for relief and states, avers, and alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. At all times relevant hereto, Wongel Estifanos was a healthy, happy, and active six-year-old girl who resided with her loving natural parents Estifanos Dagne and Rahel Estifanos in El Paso County, Colorado.
2. Defendant Glenwood Caverns Holdings, LLC is a limited liability company incorporated in the state of Delaware.

3. Defendant Glenwood Caverns Holdings, LLC is a resident of the state of Delaware.
4. On or about October 23, 2020, Defendant Glenwood Caverns Holdings, LLC filed a statement of Foreign Entity Authority with the Colorado Secretary of State.
5. On or about November 23, 2020, Defendant Glenwood Caverns Holdings, LLC filed a Statement of Trade Name with the Colorado Secretary of State identifying “Glenwood Caverns Adventure Park” as a trade name.
6. Defendant Glenwood Caverns Holdings, LLC d/b/a Glenwood Caverns Adventure Park (“Defendant Glenwood Caverns”) owns and operates an amusement park in Glenwood Springs, Colorado.
7. On September 5, 2021, Wongel Estifanos was killed while on a ride at the amusement park owned and operated by Defendant Glenwood Caverns.
8. Rahel Estifanos and Estifanos Dagne’s cause of action arises out of Glenwood Caverns’ activities at and in connection to the amusement park in the state of Colorado.
9. The State of Colorado therefore has jurisdiction over nonresident Defendant Glenwood Caverns.
10. Pursuant to C.R.C.P. 98(c), if the defendant is a nonresident of Colorado, venue is proper in the county designated in the Complaint.
11. Therefore, venue is proper in Denver County.

FACTUAL ALLEGATIONS

12. Glenwood Caverns Adventure Park is an amusement park in Glenwood Springs, Colorado which is owned, operated, managed, and controlled by Defendant Glenwood Caverns.
13. Glenwood Caverns represents that it has a “crowd-pleasing assortment of rides” and its “high elevation thrill rides are among the most heart-pounding anywhere.”
14. One such ride is the “Haunted Mine Drop” – a drop tower style ride that uses gravity to create free fall.
15. The “Haunted Mine Drop” carries six passengers and drops 110 feet into a shaft in the ground.
16. Glenwood Caverns invites and encourages young children to ride the Haunted Mine Drop.

17. It is very common for 6-year-old children to ride the Haunted Mine Drop.
18. Glenwood Caverns even allows young children to ride the Haunted Mine Drop alone.
19. The Glenwood Caverns height requirement for the haunted mine drop is forty-six inches.
20. The passenger cart for the Haunted Mine Drop includes six seats, each of which have two separate seatbelts.
21. When the passengers board the ride there is a floor underneath the seats.
22. When the ride is launched by the operator the floor is pulled away, causing the passengers to free fall 110 feet straight down a shaft in the ground.
23. If a passenger is not wearing a seatbelt when the ride deploys, the passenger will be ejected from the ride and will fall 110 feet to their death.
24. The State of Colorado investigated the death of Wongel on the Haunted Mine Drop and issued an Accident Investigation Report.
25. In that Report, Colorado Investigators concluded:
 - a. The operators are solely responsible for fastening the two separate seatbelts prior to dispatching the ride.
 - b. The operators are solely responsible for checking two separate seatbelts for each passenger prior to dispatching the ride.
 - c. The operators are specifically required to pull the seatbelts over each passenger and insert each rod into the restraint block.
 - d. The operators are specifically required to visually check to confirm that each passenger has both seatbelts over their lap.
 - e. The operators of the Haunted Mine Drop are required to perform this task as they are the trained professionals.
 - f. Passengers cannot be expected to know or correctly execute the safety procedures for this ride.
 - g. One of the two seatbelts for each passenger (the seatbelt with the rod) is electronically monitored.

- h. The control panel for the Haunted Mine Drop includes a specialized touch screen (“HMI Screen”) that tells the operator about any errors with the monitored seatbelt for each passenger.
 - i. Each seat has its own set of seatbelt indicator lights on the HMI screen.
 - j. Before launching the ride, the operator is required to view the HMI screen to confirm that there are no errors with any of the seatbelts.
- 26. Glenwood Caverns knew prior to September 5, 2021, that if the ride was dispatched before a rider had been restrained with a seatbelt, that rider would fall at least 110 feet to their death.
 - 27. The operators of the haunted mine drop knew prior to September 5, 2021, that if the ride was dispatched before a rider had been restrained with a seatbelt, that rider would fall at least 110 feet to their death.
 - 28. Steve Ochoa was working as an operator of the Haunted Mine Drop on September 5, 2021, when Wongel was killed.
 - 29. Toby Williams was working as an operator of the Haunted Mine Drop on September 5, 2021, when Wongel was killed.
 - 30. On Sunday September 5, 2021, the Estifanos family took their first trip since the start of COVID. Wongel’s Father and Mother, Estifanos and Rahel, took Wongel and her two-year-old brother to the Glenwood Caverns Adventure Park. They were joined on the family trip by Wongel’s uncle, aunt and their young children.
 - 31. All paid the full admission price.
 - 32. Wongel’s uncle eventually took Wongel, two of his own children, his wife and another relative onto the Haunted Mine Drop. They properly followed the directions given to them by the operators of the ride. Wongel met the height requirement for the ride.
 - 33. Wongel’s uncle specifically observed the ride operators interacting with Wongel, and he trusted that they were properly securing Wongel on the ride.
 - 34. The operator then dispatched the ride, causing the restrained passengers to fall in their seats 110 feet down the mine shaft.
 - 35. When the ride came to a stop at the bottom of the mine shaft, Wongel’s uncle checked to see whether Wongel had enjoyed the ride. He was stricken with terror to see that Wongel was not in her seat.

36. Wongel's uncle then saw Wongel's battered body at the bottom of the mine shaft. Wongel had fallen to her death, suffering numerous fractures, brain injuries and internal and external lacerations.
37. As Wongel's uncle and other relatives on the ride screamed in horror and tried to get out of the ride to run to Wongel, the ride would not release them, and pulled them 110 feet back up to the top of the mine shaft.

Wongel's Death was Caused by Reckless Acts

38. The State of Colorado Division of Oil and Public Safety ("Colorado Investigators") investigated the death of Wongel on the Haunted Mine Drop.
39. The Colorado Investigators determined that Wongel was killed because of multiple failures by Glenwood Caverns.
40. Each of those acts by Glenwood Caverns was reckless, as it was plainly foreseeable that the failure to properly restrain a rider would cause that rider to fall 110 feet to her death.
41. The Colorado Investigators concluded that:
 - a. The operators were solely responsible for fastening and checking the two separate seatbelts that should have been securing Wongel when the ride launched.
 - b. Passengers cannot be expected to know or correctly execute the safety procedures for this ride.
 - c. The operators did not put either seatbelt over Wongel prior to deploying the ride.
 - d. Because the operators did not fasten either seatbelt over Wongel before deploying the ride, Wongel fell 110 feet to the bottom of the mine shaft where she died.
 - e. Before the operators deployed the ride without restraining Wongel, a warning light had alerted the operators that there was a problem with Wongel's seatbelt in particular.
 - f. After the warning light notified the operators of an error with Wongel's seatbelt in particular, the operators still failed to put either of the two seatbelts on Wongel.
 - g. Instead of placing the seatbelts on Wongel, the operators reset the ride seatbelt monitors, which allowed them to deploy the ride with Wongel completely unrestrained.

- h. The operators deployed the ride with Wongel completely unrestrained, and with both seatbelts underneath her.
42. Defendant Glenwood Caverns authored an Operations Manual for the Haunted Mine Drop.
 43. The Colorado Investigators scrutinized the Operations Manual.
 44. According to the Colorado Investigators, the Glenwood Caverns' Operations Manual for the Haunted Mine Drop:
 - a. failed to instruct the operators as to what each of the warning (error) lights mean;
 - b. failed to instruct the operators what to do when a warning (error) light came on;
 - c. failed to instruct the operators on the use of the HMI screen;
 - d. failed to instruct the operators as to what to do with the seatbelts between ride cycles, to ensure that the next rider did not sit on top of the belts.
 45. The Colorado Investigators concluded that Glenwood Caverns did not train the operators on their responsibility for passenger safety.
 46. The Colorado Investigators concluded that due to Glenwood Caverns' failure to properly train the operators of the Haunted Mine Drop, "the operators were not equipped to operate and dispatch the ride" at the time Wongel was killed.

Before Wongel was Killed, Glenwood Caverns Knew its Operators were Failing to Put Seatbelts on Some Riders

47. Prior to dropping Wongel to her death, Glenwood Caverns had been put on notice by multiple angry and terrified customers that the operators of the ride had been prepared to launch the ride before putting the seatbelts on the riders.
48. For example, in July of 2018 Glenwood Caverns was put on notice by a terrified mother of a failure of the Haunted Mine Drop operators to put seatbelts on a rider.
49. That mother sent an email to Glenwood Caverns on July 25, 2018 reporting that when she took her 6-year-old on the Haunted Mine Drop, the operators put everyone on the ride and then left the room to deploy the ride without securing the seatbelts of a teenage boy on the ride.
50. That mother informed Glenwood Caverns in 2018 that all of the riders started screaming "wait!" "wait!" at the operators, but that the operators left the room anyway.

51. That mother informed Glenwood Caverns that when the operators walked out, ignoring their cries for help, "...I sat there knowing that the floor was about to roll away with him not buckled in. I understood the ride went faster than free fall so was immediately thinking about how to try to protect my small child from what was about to be a large flailing body that was about to come crashing down onto our heads."
52. The operators of the ride came back into the room and apologized and put the seatbelts on the unrestrained rider.
53. The Human Resources Manager of Glenwood Caverns emailed the mother back on July 25, 2018, acknowledging that Glenwood Caverns had received notice that the operators had left one of the passengers completely unbuckled.
54. The Human Resources Manager then falsely assured the mother that the ride had a safety feature which ensured that the ride could not begin until all of the riders were restrained by seatbelts. The Human Resources Manager went on to say in July of 2018:

"I know this doesn't excuse us from ensuring all belts have been secured and all guests are safe on this and all of our rides."
55. The Human Resources Manager also wrote in 2018:

"I can assure you that this email will allow us to retrain and continue to assure the utmost safe operation of this ride and other aspects of the park."

"Again I appreciate you bringing this to our attention and we will take any necessary steps to improve the safety of our operation."
56. That 2018 incident involved the same reckless failure that later killed Wongel: the failure to place the seatbelts on a rider and to confirm that the rider was properly restrained before the ride was launched.
57. In August of 2019, another concerned passenger sent an email to Glenwood Caverns, putting Glenwood Caverns on notice that its operators failed to seatbelt a rider.
58. The 2019 passenger sent an email to Glenwood Caverns reporting that when he was loaded onto the Haunted Mine Drop ride he sat on the seatbelts, and told the operator that he was not buckled in.
59. The operator, who was prepared to launch the Haunted Mine Drop ride with the passenger not buckled in, argued with the passenger and insisted that the passenger was buckled in. The passenger continued to insist that he was not buckled in, and finally the operator checked further and confirmed that the passenger was not buckled in.

60. This 2019 incident involved the same reckless failure that later killed Wongel: the failure to place the seatbelts on a rider, and to confirm that the rider was properly restrained, before the ride was launched.
61. On September 10, 2021, the Colorado Investigators ordered Glenwood Caverns to produce all complaints received regarding the Haunted Mine Drop, since it began operation in 2017.
62. Glenwood Caverns did not disclose the 2019 complaint to the Colorado Investigators. The Colorado Investigators learned of it only because after Wongel was killed, the 2019 passenger sent the Garfield County Coroner a copy of the email that the patron had sent to Glenwood Caverns in 2019.
63. When Colorado Investigators asked Glenwood Caverns whether it had received the 2019 email, Glenwood Caverns said that it had, and had not provided it to Colorado Investigators due to an issue with their email system.
64. Glenwood Caverns also did not disclose to Colorado Investigators the 2018 customer complaint about the operators' failure to put seatbelts on a rider, despite the September 10, 2021 order from the State of Colorado to produce all prior complaints.
65. Plaintiffs learned of the 2018 incident because a witness called after seeing news coverage about Wongel's death on the Haunted Mine Drop.
66. Even after this warning in 2018, Glenwood Caverns elected not to properly train the operators, and to allow the Haunted Mine Drop to continue to operate in an unsafe manner.

Felonious Killing

67. The wrongful acts causing Wongel's death constitute a felonious killing because the Defendant recklessly caused Wongel to fall 110 feet to her death.
68. The fatal 110-foot fall was caused by multiple acts that constitute a reckless disregard of a substantial and unjustifiable risk that the acts would cause death.
69. The reckless acts that caused Wongel to be dropped 110 feet to her death include but are not limited to:
 - a. The decision not to place seatbelts on Wongel prior to dispatching the ride, as required by the operations manual.
 - b. The decision to dispatch the ride despite the error light warning that there was a seatbelt error in Wongel's seat.

- c. The decision to dispatch the ride without looking at Wongel to confirm whether she was wearing the seatbelts.
- d. The decision not to properly train operators to place seatbelts on each passenger before deploying the ride, even after Defendant was put on written notice by customers in both 2018 and 2019 that operators had been prepared to launch the ride with completely unrestrained passengers.
- e. The decision to operate the ride with operators who the State of Colorado determined “were not equipped to operate and dispatch the ride.”
- f. The decision not to train operators of the ride on the meaning of the warning lights on the control screen.
- g. The decision not to train operators as to how to properly respond to warning lights on the control screen

FIRST CLAIM FOR RELIEF
Plaintiffs against Defendant for
Wrongful Death

- 70. Plaintiffs incorporate all other paragraphs as fully set forth herein.
- 71. At all times material hereto, Defendant Glenwood Caverns was a landowner, as defined by C.R.S. § 13-21-115, of the premises where Wongel was killed.
- 72. On September 5, 2021, Plaintiffs and Wongel lawfully entered Glenwood Caverns Adventure Park as paid business guests of the park.
- 73. At the time Wongel was killed, she and Plaintiffs had the status of an invitee as defined by C.R.S. § 13-21-115(5)(a).
- 74. Defendant owed Wongel and Plaintiffs a duty to properly restrain Wongel to the Haunted Mine Drop prior to deploying the Haunted Mine Drop ride.
- 75. Defendant Glenwood Caverns owed Wongel and Plaintiffs a duty to supervise and train operators to ensure they had a complete understanding of proper operating procedures of the Haunted Mine Drop.
- 76. Defendant knew or reasonably should have known that failing to properly restrain Wongel to the Haunted Mine Drop prior to deploying the Haunted Mine Drop ride constituted a dangerous condition, activity, and/or circumstance.

77. Defendant Glenwood Caverns knew or reasonably should have known that on at least two prior instances its operators failed to properly restrain passengers on the Haunted Mine Drop, resulting in a dangerous condition, activity, and/or circumstance.
78. Defendant Glenwood Caverns knew or reasonably should have known that their failure to properly supervise and train Haunted Mine Drop operators on proper safety procedures constitutes a dangerous condition, activity, and/or circumstance.
79. At all times material hereto, the Haunted Mine Drop constituted a dangerous condition, activity, and/or circumstance which created an unreasonable risk to the health or safety of Wongel which was known to exist, or should have been known to exist, in the exercise of reasonable care by Defendant. The dangerous condition, activity, and/or circumstance includes failing to properly restrain Wongel prior to deploying the ride; failing to follow all operating procedures prior to deploying the ride; deploying the ride when Wongel was not properly restrained; and failing to properly supervise and train its operators on safety procedures of the ride.
80. Defendant Glenwood Caverns, by and through its operators, breached its duty by recklessly failing to properly restrain Wongel to the Haunted Mine Drop ride before deploying it on September 5, 2021.
81. Defendant Glenwood Caverns, by and through its operators, breached its duty by recklessly failing to follow all operating procedures of the Haunted Mine Drop ride before deploying it on September 5, 2021.
82. Defendant Glenwood Caverns, by and through its operators, breached its duty by deploying the Haunted Mine Drop ride when it knew or should have known Wongel was not properly restrained on September 5, 2021.
83. Defendant Glenwood Caverns breached its duty by recklessly failing to properly supervise and train its operators on safety procedures of the Haunted Mine Drop ride.
84. Defendant failed to use reasonable care to protect against the dangerous condition, activity, and/or circumstance on the property on September 5, 2021.
85. Defendant's reckless failure to properly secure Wongel to the Haunted Mine Drop ride on September 5, 2021 was a direct and proximate cause of her death.
86. Defendant's reckless failure to follow all operating procedures prior to deploying the Haunted Mine Drop ride on September 5, 2021 was a direct and proximate cause of Wongel's death.
87. Defendant Glenwood Caverns' reckless failure to properly supervise and train its operators on safety procedures of the Haunted Mine Drop ride on September 5, 2021 was a direct and proximate cause of Wongel's death.

88. Defendant Glenwood Caverns' extreme recklessness was a direct and proximate cause of Wongel's death.
89. Defendant's reckless acts and reckless failures to act constitute gross negligence.
90. Defendant's reckless acts and reckless failures to act constitute a felonious killing.
91. Wongel is not comparatively negligent for her death.
92. Plaintiffs are not comparatively negligent for Wongel's death.
93. As a result of Defendant's reckless acts and failures to act, Plaintiffs suffered injuries, damages, and losses, arising from the killing of their 6-year-old daughter.

WHEREFORE, Plaintiffs seek economic and non-economic wrongful death damages, past and future, including but not limited to: grief, loss of companionship, impairment of quality of life, inconvenience, pain and suffering, emotional stress, fear and anxiety, funeral and burial expenses, and financial loss.

Plaintiffs further seek a post-trial finding that the acts causing the death of Wongel Estifanos constitute a felonious killing.

Plaintiffs further seek prejudgment interest, post-judgment interest, costs and attorney fees as permitted by law, and any further relief as the Court may deem just and proper.

PLAINTIFFS REQUEST A JURY OF SIX TO HEAR ALL ISSUES IN THIS CASE

DATED: October 20, 2021

Respectfully submitted,

THE DAN CAPLIS LAW FIRM, LLC

s/ Daniel J. Caplis _____

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*A duly authorized signature is on file in the offices
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