

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

KIMBERLY A. SCHILLING, as)
Power of Attorney for and on behalf)
of DAVID SCHILLING,)
and)
KIMBERLY A. SCHILLING,)
individually as to the Consortium)
Count)

No. 21-L-003996

Plaintiffs)

v.)

Plaintiff demands trial by jury

SKYGROUP INVESTMENTS, LLC,)
a limited liability company,)
IFLY HOLDINGS, LLC,)
a limited liability company,)
SKYVENTURE, LLC,)
a limited liability company,)
JORDAN FLEIG,)
an individual and employee and/or agent)
of SKYGROUP)
INVESTMENTS, LLC, IFLY HOLDINGS,)
LLC and/or SKYVENTURE, LLC)
and)
GERLICH WINTERSTEEN,)
an individual and employee and/or agents of)
SKYGROUP INVESTMENTS, LLC,)
IFLY HOLDINGS, LLC and/or)
SKYVENTURE, LLC)

Defendants.)

PLAINTIFFS' SECOND AMENDED COMPLAINT AT LAW

NOW COME, Plaintiffs, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, and KIMBERLY A. SCHILLING, individually as to the Consortium count, by and through her attorneys, CLIFFORD LAW OFFICES, P.C., and complains against Defendants, SKYGROUP INVESTMENTS, LLC ("SKYGROUP"), IFLY

HOLDINGS, LLC (IFLY HOLDINGS), SKYVENTURE, LLC (“SKYVENTURE”), JORDAN FLEIG (“FLEIG”) and GERLICH WINTERSTEEN (“WINTERSTEEN”), as follows:

DEFENDANTS

1. Defendant, SKYGROUP, is a company based in Austin, Texas that does significant business in Cook County, Illinois. Defendant, SKYGROUP, owns, operates, maintains, manages, supervises, directs and controls indoor iFLY wind tunnel facilities throughout the United States, Canada, Brazil, various countries in Europe, Australia, and New Zealand. Further, Defendant, SKYGROUP, employed all wind tunnel operators, managers, safety spotters, and instructors on-site at the subject iFLY facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 on January 21, 2021.

2. Defendant, IFLY HOLDINGS, is a company based in Austin, Texas that does significant business in Cook County, Illinois. Defendant, IFLY HOLDINGS, owns, operates, maintains, manages, supervises, directs and controls indoor iFLY wind tunnel facilities throughout the United States, Canada, Brazil, various countries in Europe, Australia, and New Zealand. Further, Defendant, IFLYHOLDINGS, employed all wind tunnel operators, managers, safety spotters, and instructors on-site at the subject iFLY facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 on January 21, 2021.

3. Defendant, SKYVENTURE, is the world’s largest wind tunnel designer and manufacturer that designed and manufactured the subject wind tunnel at the subject iFLY facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018. Defendant, SKYVENTURE, owns, operates, maintains, manages, supervises, directs and controls indoor iFLY wind tunnel facilities throughout the United States, Canada, Brazil, various countries in Europe, Australia, and

New Zealand. Further, Defendant, SKYVENTURE, employed all wind tunnel operators, managers, safety spotters, and instructors on-site at the subject iFLY facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 on January 21, 2021.

4. On January 21, 2021, and at all relevant times, Defendant, FLEIG, was an iFLY instructor that is depicted on video wearing a red instructor's flight suit and who is further depicted moving towards Plaintiff, DAVID SCHILLING, after Plaintiff plunges into the glass wall headfirst. On January 21, 2021, Defendant, FLEIG, was an employee and/or agent of Defendants, SKYGROUP, IFLY HOLDINGS, and/or SKYVENTURE.

5. On January 21, 2021, and at all relevant times, Defendant, WINTERSTEEN, was an iFLY instructor and wind tunnel operator that is depicted on video sitting outside the wind tunnel with full access and control over the wind tunnel's speed. On January 21, 2021, Defendant, WINTERSTEEN, was an employee and/or agent of Defendants, SKYGROUP, IFLY HOLDINGS, and/or SKYVENTURE.

COUNT I: NEGLIGENCE: SKYGROUP INVESTMENTS, LLC

1. On January 21, 2021 and at all relevant times, Defendant, SKYGROUP, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility ("iFLY subject facility") located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendant, SKYGROUP.

3. On January 21, 2021, Defendant, SKYGROUP, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated agents and/or employees of Defendant, SKYGROUP, to be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel but instead consciously observed that he was in distress and at-risk of imminent serious injuries and consciously disregarded his safety in consciously failing to “spot” and intervene to avoid injuries when Defendant knew he was at-risk.

4. On January 21, 2021, and at all relevant times, Defendant, SKYGROUP, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net.

5. On January 21, 2021, Defendant, SKYGROUP, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021, and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, SKYGROUP.

7. On January 21, 2021 and at all relevant times, Defendant, SKYGROUP, knew that Defendants, FLEIG and WINTERSTEEN, both overseeing Plaintiff, DAVID SCHILLING, were not properly certified in failing to complete I-FLY instructor level “step-by-step progression

rankings” which Defendant, SKYGROUP, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously permitted both to oversee participants knowing that Defendant, FLEIG and WINTERSTEEN, were not properly certified or trained.

8. On January 21, 2021, and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, SKYGROUP, by and through its employees knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, SKYGROUP, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff’s safety in consciously failing to reduce the wind tunnel speed.

9. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel’s wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, SKYGROUP, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, SKYGROUP, had duties to exercise reasonable care in owning, operating, maintaining, managing, supervising, directing and controlling the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in

such a manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from failing to exercise reasonable and prudent care.

13. On January 21, 2021 and at all relevant times, Defendant, SKYGROUP, by and through its employees and/or agents, failed to exercise reasonable care in one or more of the following manners:

- a. Failed to employ and/or retain “body flight instructors” and “wind tunnel operators” that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities;
- b. Failed to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer;
- c. Failed to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall;
- d. Failed to have an instructor “spot” beside Plaintiff instead of having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall;
- e. Failed to properly supervise Plaintiff when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- f. Failed to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- g. Failed to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- h. Failed to maintain attention and permitted its “attention to wander” and consciously failing to maintain attention of him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;

- i. Failed to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Failed to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association;
- k. Failed to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association;
- l. Failed to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- m. Failed to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- n. Failed to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association;
- o. Failed to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- p. Failed to stabilize Plaintiff and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise careless and negligent.

14. As a direct and proximate result of one or more of the acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYGROUP

INVESTMENTS, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT II: WILLFUL AND WANTON: SKYGROUP INVESTMENTS, LLC

1. On January 21, 2021, and at all relevant times, Defendant, SKYGROUP, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendant, SKYGROUP.

3. On January 21, 2021, Defendant, SKYGROUP, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated agents and/or employees of Defendant, SKYGROUP, to be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel, instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injures.

4. On January 21, 2021, and at all relevant times, Defendant, SKYGROUP, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net.

5. On January 21, 2021, Defendant, SKYGROUP, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021, and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, SKYGROUP.

7. On January 21, 2021 and at all relevant times, Defendant, SKYGROUP, knew that Defendants, FLEIG and WINTERSTEEN, both overseeing Plaintiff, DAVID SCHILLING, were not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” which Defendant, SKYGROUP, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously permitted both to oversee participants knowing that Defendant, FLEIG and WINTERSTEEN, were not properly certified or trained.

8. On January 21, 2021 and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, SKYGROUP, by and through its employees knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, SKYGROUP, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff’s safety in consciously failing to reduce the wind tunnel speed.

9. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel's wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, SKYGROUP, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, SKYGROUP, had duties to own, operate, maintain, manage, supervise, direct and control the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a non-willful and non-wanton manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from willful and wanton conduct.

13. On January 21, 2021, and at all relevant times, Defendant, SKYGROUP, by and through its employees and/or agents, committed willful and wanton conduct in one or more of the following manners:

- a. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in employing and/or retaining "body flight instructors" and "wind tunnel operators" that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities but knowingly, intentionally, and consciously permitted these employees to oversee participants knowing this posed an imminent danger to participants;
- b. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to ascertain the experience and/or "tunnel time" that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should

have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer which Defendant consciously ignored with full knowledge that novice tunnel participants were at-risk of imminent dangers and injuries;

- c. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall but intentionally, knowingly, and/or consciously failed to do so which placed Plaintiff at-risk of imminent dangers and injuries;
- d. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall but intentionally, knowingly, and/or consciously failed to do so which placed Plaintiff at-risk of imminent dangers and injuries;
- e. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to properly supervise him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored such instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- f. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored such instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- g. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously continued holding conversations as depicted on video with other participants when Defendant knew he was at-risk of imminent dangers and injuries;
- h. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in permitting its “attention to wander” and consciously failing to maintain attention to him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously

ignored Plaintiff instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;

- i. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries but intentionally, knowingly, and/or consciously permitted him to participate when Defendant knew such a helmet would not protect him from impact injuries and/or spinal cord injuries;
- j. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide instructors and wind tunnel operators with required training, including but not limited to, training mandated by the International Body Flight Association when Defendant knew that such training was required to protect participants like Plaintiff from imminent dangers and injuries;
- k. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, consciously, and knowingly failing to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association when Defendant knew that such was required to protect participants like Plaintiff from imminent dangers and injuries;
- l. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously held conversations with other participants and ignored Plaintiff as depicted on video instead of anticipating tunnel movements;
- m. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously held conversations with other participants and ignored Plaintiff as depicted on video instead of anticipating tunnel movements;
- n. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association when Defendant consciously knew was being disregarded which Defendant consciously knew placed participants in imminent danger;

- o. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but consciously disregarded Plaintiff’s safety in holding conversations with other participants and ignoring him when he was moments from sustaining imminent injuries;
- p. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise willful and wanton.

14. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYGROUP INVESTMENTS, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT III: NEGLIGENCE: IFLY HOLDINGS, LLC

1. On January 21, 2021, and at all relevant times, Defendant, IFLY HOLDINGS, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him

a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendant, IFLY HOLDINGS.

3. On January 21, 2021, Defendant, IFLY HOLDINGS, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated agents and/or employees of Defendant, IFLY HOLDINGS, to be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel, instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injures.

4. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net.

5. On January 21, 2021, Defendant, IFLY HOLDINGS, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021, and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, IFLY HOLDINGS.

7. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, knew that Defendants, FLEIG and WINTERSTEEN, both overseeing Plaintiff, DAVID SCHILLING, were not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” which Defendant, IFLY HOLDINGS, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously permitted both to oversee participants knowing that Defendant, FLEIG and WINTERSTEEN, were not properly certified or trained.

8. On January 21, 2021, and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, IFLY HOLDINGS, by and through its employees knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, IFLY HOLDINGS, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff’s safety in consciously failing to reduce the wind tunnel speed.

9. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel’s wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, IFLY HOLDINGS, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, had duties exercise reasonable care in owning, operating, maintaining, managing, supervising, directing and controlling the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from failing to exercise reasonable and prudent care.

13. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, by and through its employees and/or agents, failed to exercise reasonable care in one or more of the following manners:

- a. Failed to employ and/or retain “body flight instructors” and “wind tunnel operators” that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities;
- b. Failed to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer;
- c. Failed to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall;
- d. Failed to have an instructor “spot” beside Plaintiff instead of having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall;
- e. Failed to properly supervise Plaintiff when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- f. Failed to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;

- g. Failed to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- h. Failed to maintain attention and permitted its “attention to wander” and consciously failing to maintain attention of him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- i. Failed to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Failed to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association;
- k. Failed to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association;
- l. Failed to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- m. Failed to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- n. Failed to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association;
- o. Failed to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- p. Failed to stabilize Plaintiff and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise careless and negligent.

14. As a direct and proximate result of one or more of the acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, IFLY HOLDINGS, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT IV: WILLFUL AND WANTON: IFLY HOLDINGS, LLC

1. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendant, IFLY HOLDINGS.

3. On January 21, 2021, Defendant, IFLY HOLDINGS, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated agents and/or employees of Defendant, IFLY HOLDINGS, to be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injures.

4. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net;

5. On January 21, 2021, Defendant, IFLY HOLDINGS, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021 and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, IFLY HOLDINGS.

7. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

8. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, knew that Defendants, FLEIG and WINTERSTEEN, both overseeing Plaintiff, DAVID SCHILLING, were not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” which Defendant, IFLY HOLDINGS, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously permitted both to oversee participants knowing that Defendant, FLEIG and WINTERSTEEN, were not properly certified or trained.

9. On January 21, 2021, and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, IFLY HOLDINGS, by and through its employees knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, IFLY HOLDINGS, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff's safety in consciously failing to reduce the wind tunnel speed.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel's wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, IFLY HOLDINGS, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, IFLY HOLDINGS, had duties to own, operate, maintain, manage, supervise, direct and control the subject wind tunnel, subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a non-willful and non-wanton manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from willful and wanton conduct.

13. On January 21, 2021, and at all relevant times, Defendant, IFLY HOLDINGS, by and through its employees and/or agents, committed willful and wanton conduct in one or more of the following manners:

- a. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in employing and/or retaining "body flight instructors" and "wind tunnel operators" that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities but knowingly,

intentionally, and consciously permitted these employees to oversee participants knowing this posed an imminent danger to participants;

- b. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer which Defendant consciously ignored with full knowledge that novice tunnel participants were at-risk of imminent dangers and injuries;
- c. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall but intentionally, knowingly, and/or consciously failed to do so which placed Plaintiff at-risk of imminent dangers and injuries;
- d. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall but intentionally, knowingly, and/or consciously failed to do so which placed Plaintiff at-risk of imminent dangers and injuries;
- e. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to properly supervise him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored such instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- f. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored such instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- g. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously continued holding conversations as depicted on video with other participants when Defendant knew he was at-risk of imminent dangers and injuries;

- h. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in permitting its “attention to wander” and consciously failing to maintain attention to him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored Plaintiff instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- i. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries but intentionally, knowingly, and/or consciously permitted him to participate when Defendant knew such a helmet would not protect him from impact injuries and/or spinal cord injuries;
- j. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide instructors and wind tunnel operators with required training, including but not limited to, training mandated by the International Body Flight Association when Defendant knew that such training was required to protect participants like Plaintiff from imminent dangers and injuries;
- k. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, consciously, and knowingly failing to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association when Defendant knew that such was required to protect participants like Plaintiff from imminent dangers and injuries;
- l. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously held conversations with other participants and ignored Plaintiff as depicted on video instead of anticipating tunnel movements;
- m. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously held conversations with other participants and ignored Plaintiff as depicted on video instead of anticipating tunnel movements;

- n. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association when Defendant consciously knew was being disregarded which Defendant consciously knew placed participants in imminent danger;
- o. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but consciously disregarded Plaintiff’s safety in holding conversations with other participants and ignoring him when he was moments from sustaining imminent injuries;
- p. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise willful and wanton.

14. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, IFLY HOLDINGS, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT V: NEGLIGENCE: SKYVENTURE, LLC

1. On January 21, 2021, and at all relevant times, Defendant, SKYVENTURE, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendant, SKYVENTURE.

3. On January 21, 2021, Defendant, SKYVENTURE, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated agents and/or employees of Defendant, SKYVENTURE, to be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel, instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injuries.

4. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net.

5. On January 21, 2021, Defendant, SKYVENTURE, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021 and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, SKYVENTURE.

7. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, knew that Defendants, FLEIG and WINTERSTEEN, both overseeing Plaintiff, DAVID SCHILLING, were not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” which Defendant, SKYVENTURE, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously permitted both to oversee participants knowing that Defendant, FLEIG and WINTERSTEEN, were not properly certified or trained.

8. On January 21, 2021 and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, SKYVENTURE, by and through its employees knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, SKYVENTURE, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff’s safety in consciously failing to reduce the wind tunnel speed.

9. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel’s wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, SKYVENTURE, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, had duties exercise reasonable care in owning, operating, maintaining, managing, supervising, directing and controlling the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from failing to exercise reasonable and prudent care.

13. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, by and through its employees and/or agents, failed to exercise reasonable care in one or more of the following manners:

- a. Failed to employ and/or retain “body flight instructors” and “wind tunnel operators” that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities;
- b. Failed to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer;
- c. Failed to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall;
- d. Failed to have an instructor “spot” beside Plaintiff instead of having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall;

- e. Failed to properly supervise Plaintiff when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- f. Failed to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- g. Failed to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- h. Failed to maintain attention and permitted its “attention to wander” and consciously failing to maintain attention of him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- i. Failed to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Failed to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association;
- k. Failed to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association;
- l. Failed to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- m. Failed to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- n. Failed to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association;
- o. Failed to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;

- p. Failed to stabilize Plaintiff and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise careless and negligent.

14. As a direct and proximate result of one or more of the acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYVENTURE, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT VI: WILLFUL AND WANTON: SKYVENTURE, LLC

1. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendant, SKYVENTURE.

3. On January 21, 2021, Defendant, SKYVENTURE, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated agents and/or employees of Defendant, SKYVENTURE, to be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel instead of consciously observing that he was in distress and at-risk of

imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injuries.

4. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net;

5. On January 21, 2021, Defendant, SKYVENTURE, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021 and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant,

7. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

8. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, knew that Defendants, FLEIG and WINTERSTEEN, both overseeing Plaintiff, DAVID SCHILLING, were not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” which Defendant, SKYVENTURE, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously permitted both to

oversee participants knowing that Defendant, FLEIG and WINTERSTEEN, were not properly certified or trained.

9. On January 21, 2021 and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, SKYVENTURE, by and through its employees knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, SKYVENTURE, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff's safety in consciously failing to reduce the wind tunnel speed.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel's wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, SKYVENTURE, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, had duties to own, operate, maintain, manage, supervise, direct and control the subject wind tunnel, subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a non-willful and non-wanton manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from willful and wanton conduct.

13. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, by and through its employees and/or agents, committed willful and wanton conduct in one or more of the following manners:

- a. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in employing and/or retaining “body flight instructors” and “wind tunnel operators” that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities but knowingly, intentionally, and consciously permitted these employees to oversee participants knowing this posed an imminent danger to participants;
- b. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer which Defendant consciously ignored with full knowledge that novice tunnel participants were at-risk of imminent dangers and injuries;
- c. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall but intentionally, knowingly, and/or consciously failed to do so which placed Plaintiff at-risk of imminent dangers and injuries;
- d. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall but intentionally, knowingly, and/or consciously failed to do so which placed Plaintiff at-risk of imminent dangers and injuries;
- e. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to properly supervise him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored such instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- f. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored such instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- g. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-

risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously continued holding conversations as depicted on video with other participants when Defendant knew he was at-risk of imminent dangers and injuries;

- h. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in permitting its “attention to wander” and consciously failing to maintain attention to him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously ignored Plaintiff instead of supervising him when Defendant knew he was at-risk of imminent dangers and injuries;
- i. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries but intentionally, knowingly, and/or consciously permitted him to participate when Defendant knew such a helmet would not protect him from impact injuries and/or spinal cord injuries;
- j. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide instructors and wind tunnel operators with required training, including but not limited to, training mandated by the International Body Flight Association when Defendant knew that such training was required to protect participants like Plaintiff from imminent dangers and injuries;
- k. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, consciously, and knowingly failing to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association when Defendant knew that such was required to protect participants like Plaintiff from imminent dangers and injuries;
- l. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but intentionally, knowingly, and/or consciously held conversations with other participants and ignored Plaintiff as depicted on video instead of anticipating tunnel movements;
- m. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in failing to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed”

movements and fall (s) to the net but intentionally, knowingly, and/or consciously held conversations with other participants and ignored Plaintiff as depicted on video instead of anticipating tunnel movements;

- n. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association when Defendant consciously knew was being disregarded which Defendant consciously knew placed participants in imminent danger;
- o. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but consciously disregarded Plaintiff’s safety in holding conversations with other participants and ignoring him when he was moments from sustaining imminent injuries;
- p. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise willful and wanton.

14. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYVENTURE, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT VII: NEGLIGENCE: JORDAN FLEIG

1. On January 21, 2021 and at all relevant times, Defendant, SKYVENTURE, IFLY HOLDINGS, and/or SKYGROUP, owned, operated, maintained, managed, supervised, directed,

and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendants, SKYVENTURE, IFLY HOLDINGS, and/or SKYGROUP.

3. On January 21, 2021, Defendant, FLEIG, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated Defendant, FLEIG, to hands-on “spot” while he was within the wind tunnel instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injures.

4. On January 21, 2021 and at all relevant times, Defendant, FLEIG, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net;

5. On January 21, 2021 and at all relevant times, Defendant, FLEIG, knew that he was not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” which Defendant, FLEIG, knew could cause imminent, serious injuries to Plaintiff, DAVID SCHILLING, but knowingly, intentionally, and consciously oversaw participants including Plaintiff, DAVID SCHILLING, knowing that Defendant, FLEIG, was not properly certified or trained.

6. On January 21, 2021, and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, FLEIG, knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, FLEIG, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff's safety in consciously failing to reduce the wind tunnel speed.

7. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

8. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel's wind speed.

9. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, FLEIG, while at all relevant times prior to and after the accident.

10. On January 21, 2021 and at all relevant times, Defendant, FLEIG, had duties to own, operate, maintain, manage, supervise, direct and control the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from failing to exercise reasonable and prudent care.

11. On January 21, 2021 and at all relevant times, Defendant, FLEIG, failed to exercise reasonable care in one or more of the following manners:

- a. Failed to employ and/or retain “body flight instructors” and “wind tunnel operators” that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities;
- b. Failed to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer;
- c. Failed to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall;
- d. Failed to have an instructor “spot” beside Plaintiff instead of having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall;
- e. Failed to properly supervise Plaintiff when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- f. Failed to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- g. Failed to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- h. Failed to maintain attention and permitted its “attention to wander” and consciously failing to maintain attention of him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- i. Failed to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Failed to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association;
- k. Failed to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association;

- l. Failed to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- m. Failed to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- n. Failed to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association;
- o. Failed to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- p. Failed to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise careless of negligent.

12. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, JORDAN FLEIG, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit and litigation.

COUNT VIII: WILLFUL AND WANTON: JORDAN FLEIG

1. On January 21, 2021 and at all relevant times, Defendant, FLEIG, an Illinois resident, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 while working as a wind tunnel instructor and/or wind tunnel operator.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel operated, maintained, managed, supervised and controlled by Defendant, FLEIG.

3. On January 21, 2021, Defendant, FLEIG, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated Defendant, FLEIG, to be beside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injuries.

4. On January 21, 2021, and at all relevant times, Defendant, FLEIG, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fall (s) to the net;

5. On January 21, 2021, Defendant, SKYGROUP, IFLY HOLDINGS and/or SKYVENTURE, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously disregarded knowing doing so placed Plaintiff at-risk of known, imminent injuries.

6. On January 21, 2021, and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, SKYVENTURE, IFLY HOLDINGS and/or SKYVENTURE.

7. On January 21, 2021, and at all relevant times, Defendant, FLEIG, knew while overseeing Plaintiff, DAVID SCHILLING, in the wind tunnel, that he was not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” required to oversee Plaintiff, DAVID SCHILLING, which Defendant, FLEIG, consciously knew could cause injuries to Plaintiff, DAVID SCHILLING.

8. On January 21, 2021 and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, FLEIG, knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, FLEIG, consciously knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff’s safety in consciously failing to reduce the wind tunnel speed.

9. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

10. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel’s wind speed.

11. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, FLEIG, while at all relevant times prior to and after the accident.

12. On January 21, 2021 and at all relevant times, Defendant, FLEIG, had duties to operate, maintain, manage, supervise, direct and control the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a non-willful and non-wanton manner so as to not cause

damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from willful and wanton conduct.

13. On January 21, 2021 and at all relevant times, Defendant, FLEIG, as an employee and/or agent of Defendants, SKYGROUP, IFLY HOLDINGS and/or SKYVENTURE, committed willful and wanton conduct in one or more of the following manners:

- a. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in working as a “body flight instructors” and “wind tunnel operator” when Defendant knew or should have known he was not qualified and/or properly certified to serve in these capacities and consciously knew that not having proper certification placed participants like Plaintiff at-risk of known injuries and dangers;
- b. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer but instead consciously disregarded his safety in permitting him to fly unassisted;
- c. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall but instead consciously disregarded his safety in permitting him to fly unassisted;
- d. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously “spotting from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall but instead consciously disregarded his safety in permitting him to fly with no “spot;”
- e. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to properly supervise him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously disregarded his safety in permitting him to fly knowing he was unsupervised;

- f. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously disregarded his safety in consciously maintaining the same wind force knowing it placed Plaintiff in danger;
- g. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously ignored Plaintiff when he was in distress;
- h. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously permitting his “attention to wander” and consciously failing to maintain attention to him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously held conversations and ignored Plaintiff as depicted on video while he was in obvious danger;
- i. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide him and/or require him to use an impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association when Defendant consciously knew placed participants in danger;
- k. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to conduct proper and adequate safety meetings with Plaintiff including but not limited to meetings mandated by the International Body Flight Association which Defendant knew consciously placed participants in danger;
- l. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;

- m. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously held conversations and ignored Plaintiff as depicted on video when he was in distress;
- n. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association when Defendant knew placed Plaintiff at-risk of imminent injuries;
- o. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but consciously held conversations and ignored Plaintiff as depicted on video when he was in distress;
- p. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise willful and wanton.

14. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries or a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, JORDAN FLEIG, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit and litigation.

COUNT IX: NEGLIGENCE: GERLICH WINTERSTEEN

1. On January 21, 2021, and at all relevant times, Defendant, SKYVENTURE, IFLY HOLDINGS, and/or SKYGROUP, owned, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont, Cook County, Illinois 60018.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel owned, operated, maintained, managed and controlled by Defendants, SKYVENTURE, IFLY HOLDINGS, and/or SKYGROUP.

3. On January 21, 2021, Defendant, WINTERSTEEN, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated Defendant, WINTERSTEEN, to communicate to Defendant, FLEIG, to hands-on “spot” while he was within the wind tunnel instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injuries.

4. On January 21, 2021, and at all relevant times, Defendant, WINTERSTEEN, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net;

5. On January 21, 2021, and at all relevant times, Defendant, WINTERSTEEN, knew that while overseeing Plaintiff, DAVID SCHILLING, in the wind tunnel, he was not properly certified in failing to complete I-FLY instructor level “step-by-step progression rankings” required

to oversee Plaintiff, DAVID SCHILLING, which Defendant, FLEIG, knew could cause injuries to Plaintiff, DAVID SCHILLING.

6. On January 21, 2021, and at all relevant times while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, Defendant, FLEIG, knew that the wind tunnel speed was too powerful for Plaintiff, DAVID SCHILLING, to handle given his experience level which Defendant, WINTERSTEEN, knew could cause injuries to Plaintiff, DAVID SCHILLING, but consciously disregarded Plaintiff's safety in consciously failing to reduce the wind tunnel speed with full knowledge he was in danger.

7. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

8. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel's wind speed.

9. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, WINTERSTEEN, while at all relevant times prior to and after the accident.

10. On January 21, 2021 and at all relevant times, Defendant, WINTERSTEEN, had duties to own, operate, maintain, manage, supervise, direct and control the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but not limited to Plaintiff, DAVID SCHILLING, in such a manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from failing to exercise reasonable and prudent care.

11. On January 21, 2021 and at all relevant times, Defendant, WINTERSTEEN, failed to exercise reasonable care in one or more of the following manners:

- a. Failed to employ and/or retain “body flight instructors” and “wind tunnel operators” that Defendant knew or should have known were not qualified and/or properly certified to serve in these capacities;
- b. Failed to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer;
- c. Failed to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall;
- d. Failed to have an instructor “spot” beside Plaintiff instead of having an instructor “spot from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall;
- e. Failed to properly supervise Plaintiff when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- f. Failed to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- g. Failed to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- h. Failed to maintain attention and permitted its “attention to wander” and consciously failing to maintain attention of him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- i. Failed to provide him and/or require him to use an “impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Failed to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association;

- k. Failed to conduct proper and adequate safety meetings with instructors and wind tunnel operators including but not limited to meetings mandated by the International Body Flight Association;
- l. Failed to anticipate the “worst case scenario” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- m. Failed to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- n. Failed to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association;
- o. Failed to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- p. Failed to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise careless or negligent.

12. As a direct and proximate result of one or more of the aforementioned acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, GERLICH WINTERSTEEN, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT X: WILLFUL AND WANTON: GERLICH WINTERSTEEN

1. On January 21, 2021, and at all relevant times, Defendant, WINTERSTEEN, an Illinois resident, operated, maintained, managed, supervised, directed, and controlled an indoor wind tunnel skydiving facility (“iFLY subject facility”) located at 5520 Park Place, Rosemont,

Cook County, Illinois 60018 while working as a wind tunnel instructor and/or wind tunnel operator.

2. On January 21, 2021, Plaintiff, DAVID SCHILLING, while at all times a lawful and permitted invitee and participant, sustained a catastrophic spinal cord injury that rendered him a quadriplegic while inside the wind tunnel operated, maintained, managed, supervised and controlled by Defendant, WINTERSTEEN.

3. On January 21, 2021, Defendant, WINTERSETEEN, knew that Plaintiff, DAVID SCHILLING, was an inexperienced indoor flyer with limited “tunnel time” who could not perform basic aerial maneuvers which necessitated Defendant, WINTERSTEEN, to ensure that an instructor be aside Plaintiff, DAVID SCHILLING, to hands-on “spot” while he was within the wind tunnel instead of consciously observing that he was in distress and at-risk of imminent injuries and consciously disregarding his safety in consciously failing to “spot” and intervene to avoid injures.

4. On January 21, 2021 and at all relevant times, Defendant, WINTERSEEN, knew or should have known that Plaintiff, DAVID SCHILLING, was at-risk of injuries while inside the wind tunnel prior to his plunge as he exhibited “out of control” and “distressed” movements and prior fell to the net;

5. On January 21, 2021, Defendant, SKYGROUP, IFLY HOLDINGS and/or SKYVENTURE, staffed employees acting as instructors, safety instructors, spotters, wind tunnel professionals, and tunnel operators that were required to act at all times while on duty in adherence and compliance with wind tunnel policies, procedures, and standards, including but not limited to safety standards set by the International Body Flight Association which Defendant consciously

disregarded knowing doing so placed Plaintiff and other participants at-risk of known, imminent injuries.

6. On January 21, 2021, and at all relevant times, Defendants, FLEIG and WINTERSTEEN, were employees and/or actual, implied, or apparent agents of Defendant, SKYVENTURE, IFLY HOLDINGS and/or SKYVENTURE.

7. On January 21, 2021 and at all relevant times, Defendant, WINTERSTEEN, knew while overseeing Plaintiff, DAVID SCHILLING, in the wind tunnel, that he was not properly certified in failing to complete I-FLY instructor and wind tunnel operator level “step-by-step progression rankings” required to oversee Plaintiff, DAVID SCHILLING, which Defendant, WINTERSTEEN, knew could cause injuries to Plaintiff, DAVID SCHILLING.

8. On January 21, 2021, Defendant, FLEIG, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as an instructor, safety instructor, spotter, and wind tunnel professional.

9. On January 21, 2021, Defendant, WINTERSTEEN, while Plaintiff, DAVID SCHILLING, was inside the wind tunnel, was acting as wind tunnel controller that maintained control over the tunnel’s wind speed but consciously disregarded Plaintiff’s safety in consciously failing to reduce the wind tunnel speed.

10. On January 21, 2021, Plaintiff, DAVID SCHILLING, was under the instruction, supervision, management, direction, and control of Defendant, WINTERSTEEN, while at all relevant times prior to and after the accident.

11. On January 21, 2021 and at all relevant times, Defendant, WINTERSTEEN, had duties to operate, maintain, manage, supervise, direct and control the subject wind tunnel, iFLY subject facility, and all lawful participants and invitees in the subject wind tunnel, including but

not limited to Plaintiff, DAVID SCHILLING, in such a non-willful and non-wanton manner so as to not cause damages or injuries to the public, including Plaintiff, DAVID SCHILLING, and to prevent damages or injuries caused from willful and wanton conduct.

12. On January 21, 2021 and at all relevant times, Defendant, WINTERSTEEN, as an employee and/or agent of Defendants, SKYGROUP, IFLY HOLDINGS and/or SKYVENTURE, committed willful and wanton conduct in one or more of the following manners:

- a. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in working as a “body flight instructors” and “wind tunnel operator” when Defendant knew or should have known he was not qualified and/or properly certified to serve in these capacities and consciously knew that not having proper certification placed participants like Plaintiff at-risk of known injuries and dangers;
- b. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to ascertain the experience and/or “tunnel time” that Plaintiff, DAVID SCHILLING, possessed when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, was a novice tunnel participant and/or flyer but instead consciously disregarded his safety in permitting him to fly unassisted;
- c. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to have a safety instructor and/or “spotter” in the wind tunnel right beside him when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required “spotting” prior to plunging headfirst into the tunnel wall but instead consciously disregarded his safety in permitting him to fly unassisted;
- d. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously “spotting from the door” when Defendant knew or should have known that Plaintiff, DAVID SCHILLING, required actual “spotting” prior to plunging headfirst into the tunnel wall but instead consciously disregarded his safety in permitting him to fly with no “spot;”
- e. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to properly supervise him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously disregarded his safety in permitting him to fly knowing he was unsupervised;

- f. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adjust the wind tunnel speed and/or stop the wind force when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously disregarded his safety in consciously maintaining the same wind force knowing it placed Plaintiff in danger;
- g. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to maintain “constant awareness” of Plaintiff while inside the wind tunnel when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously ignored Plaintiff when he was in distress;
- h. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously permitting his “attention to wander” and consciously failing to maintain attention to him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously held conversations and ignored Plaintiff as depicted on video while he was in obvious danger;
- i. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide him and/or require him to use an impact rated” helmet when Defendant knew or should have known that such helmets were available on the market and prevented impact injuries;
- j. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to provide instructors and wind tunnel operators with required training including but not limited to training mandated by the International Body Flight Association when Defendant consciously knew placed participants in danger;
- k. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to conduct proper and adequate safety meetings with Plaintiff including but not limited to meetings mandated by the International Body Flight Association which Defendant knew consciously placed participants in danger;
- l. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to anticipate the “worst case scenario” when Defendant knew or should have known

that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;

- m. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to “observe the flyer at all times, be vigilant, and never let [one’s] attention waiver” when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but instead consciously held conversations and ignored Plaintiff as depicted on video when he was in distress;
- n. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to adhere to safety standards, policies, and procedures pertaining to safety and “spotting” as required by the International Body Flight Association when Defendant knew placed Plaintiff at-risk of imminent injuries;
- o. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to intervene when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net but consciously held conversations and ignored Plaintiff as depicted on video when he was in distress;
- p. Acted with an utter indifference and conscious disregard for safety of Plaintiff, DAVID SCHILLING, in intentionally, knowingly, and/or consciously failing to stabilize him and control him when Defendant knew or should have known that he was at-risk of injuries due to prior “out of control” and “distressed” movements and fall (s) to the net;
- q. Was otherwise willful and wanton.

13. As a direct and proximate result of one or more of the aforementioned willful and wanton acts and/or omissions, Plaintiff, DAVID SCHILLING, sustained permanent and forever injuries or a personal and pecuniary nature.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, GERLICH WINTERSTEEN, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XI: STRICT PRODUCTS LIABILITY: SKYVENTURE, LLC

1. On and before January 21, 2021, Defendant, SKYVENTURE, was in the business of designing and manufacturing wind tunnels for use throughout the United States, including the Chicagoland area.

2. On and before January 21, 2021, Defendant, SKYVENTURE, contracted and sold vertical wind tunnels for use at locations of co-defendants including at the iFLY subject facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 where invitees such as Plaintiff, DAVID SCHILLING, were intended users.

3. On and before January 21, 2021, Defendant, SKYVENTURE, manufactured and designed a vertical wind tunnel that was placed in the subject facility.

4. On January 21, 2021, Plaintiff, DAVID SCHILLING, was an invitee and intended user of the subject wind tunnel.

5. On and before January 21, 2021, the subject wind tunnel left Defendant, SKYVENTURE's, control in a defective condition making it unreasonably dangerous as the subject wind tunnel had defects of a physical, manufacturing and design aspect that Plaintiff, DAVID SCHILLING, had no knowledge of.

6. On and before January 21, 2021, the subject wind tunnel's design and manufacturing possessed inherent, unreasonable dangers.

7. On and before January 21, 2021 and at all relevant times, the subject wind tunnel left the control of Defendant, SKYVENTURE, in an unreasonably dangerous condition because Defendant:

- a. Failed to design the tunnel by placing protective netting between the tunnel and the glass walls that could prevent a participant like Plaintiff from plunging headfirst into the hard, non-giving glass;

- b. Failed to design the tunnel by placing protective mats on the glass that could lessen the impact of a participant like Plaintiff when contacting the glass walls that posed an inherent danger to participants;
- c. Failed to design the tunnel by placing a protective barrier between participants and the glass walls to prevent a participant like Plaintiff from plunging headfirst into the hard, non-giving glass;
- d. Was otherwise careless and negligent in its design of the subject wind tunnel.

8. On January 21, 2021, Plaintiff, DAVID SCHILLING, as a direct and proximate result of one or more of the aforementioned conditions and defects that rendered the wind tunnel unreasonably dangerous, sustained serious, permanent injuries.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYVENTURE, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XII – STRICT PRODUCTS LIABILITY – SKYGROUP INVESTMENTS, LLC

1. On and before January 21, 2021, Defendant, SKYGROUP, was in the business of designing and manufacturing wind tunnels for use throughout the United States, including the Chicagoland area.

2. On and before January 21, 2021, Defendant, SKYGROUP, contracted and sold vertical wind tunnels for use at locations of co-defendants including at the iFLY subject facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 where invitees such as Plaintiff, DAVID SCHILLING, were intended users.

3. On and before January 21, 2021, Defendant, SKYGROUP, manufactured and designed a vertical wind tunnel that was placed in the subject facility.

4. On January 21, 2021, Plaintiff, DAVID SCHILLING, was an invitee and intended user of the subject wind tunnel.

5. On and before January 21, 2021, the subject wind tunnel left Defendant, SKYGROUP's, control in a defective condition making it unreasonably dangerous as the subject wind tunnel had defects of a physical, manufacturing and design aspect that Plaintiff, DAVID SCHILLING, had no knowledge of.

6. On and before January 21, 2021, the subject wind tunnel's design and manufacturing possessed inherent, unreasonable dangers.

7. On and before January 21, 2021 and at all relevant times, the subject wind tunnel left the control of Defendant, SKYGROUP, in an unreasonably dangerous condition because Defendant:

- a. Failed to design the tunnel by placing protective netting between the tunnel and the glass walls that could prevent a participant like Plaintiff from plunging headfirst into the hard, non-giving glass;
- b. Failed to design the tunnel by placing protective mats on the glass that could lessen the impact of a participant like Plaintiff when contacting the glass walls that poised an inherent danger to participants;
- c. Failed to design the tunnel by placing a protective barrier between participants and the glass walls to prevent a participant like Plaintiff from plunging headfirst into the hard, non-giving glass;
- d. Was otherwise careless and negligent in its design of the subject wind tunnel.

8. On January 21, 2021, Plaintiff, DAVID SCHILLING, as a direct and proximate result of one or more of the aforementioned conditions and defects that rendered the wind tunnel unreasonably dangerous, sustained serious, permanent injuries.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYGROUP INVESTMENTS, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XIII: STRICT PRODUCTS LIABILITY: IFLY HOLDINGS, LLC

1. On and before January 21, 2021, Defendant, IFLY HOLDINGS, was in the business of designing and manufacturing wind tunnels for use throughout the United States, including the Chicagoland area.

2. On and before January 21, 2021, Defendant, IFLY HOLDINGS, contracted and sold vertical wind tunnels for use at locations of co-defendants including at the iFLY subject facility located at 5520 Park Place, Rosemont, Cook County, Illinois 60018 where invitees such as Plaintiff, DAVID SCHILLING, were intended users.

3. On and before January 21, 2021, Defendant, IFLY HOLDINGS, manufactured and designed a vertical wind tunnel that was placed in the subject facility.

4. On January 21, 2021, Plaintiff, DAVID SCHILLING, was an invitee and intended user of the subject wind tunnel.

5. On and before January 21, 2021, the subject wind tunnel left Defendant, IFLY HOLDINGS's, control in a defective condition making it unreasonably dangerous as the subject wind tunnel had defects of a physical, manufacturing and design aspect that Plaintiff, DAVID SCHILLING, had no knowledge of.

6. On and before January 21, 2021, the subject wind tunnel's design and manufacturing possessed inherent, unreasonable dangers.

7. On and before January 21, 2021 and at all relevant times, the subject wind tunnel left the control of Defendant, IFLY HOLDINGS, in an unreasonably dangerous condition because Defendant:

- a. Failed to design the tunnel by placing protective netting between the tunnel and the glass walls that could prevent a participant like Plaintiff from plunging headfirst into the hard, non-giving glass;

- b. Failed to design the tunnel by placing protective mats on the glass that could lessen the impact of a participant like Plaintiff when contacting the glass walls that posed an inherent danger to participants;
- c. Failed to design the tunnel by placing a protective barrier between participants and the glass walls to prevent a participant like Plaintiff from plunging headfirst into the hard, non-giving glass;
- d. Was otherwise careless and negligent in its design of the subject wind tunnel.

8. On January 21, 2021, Plaintiff, DAVID SCHILLING, as a direct and proximate result of one or more of the aforementioned conditions and defects that rendered the wind tunnel unreasonably dangerous, sustained serious, permanent injuries.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, IFLY HOLDINGS, LLC, for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XIV: FRAUDULENT MISREPRESENTATION: SKYGROUP INVESTMENTS, LLC

1. On and before January 21, 2021, Defendant, SKYGROUP, owned, operated, controlled, and maintained a website at www.iflyworld.com that included express content and false statements of materials fact at <http://www.iflyworld.com/discover/what-to-expect> that IFLY activities and/or “indoor skydiving is one of the most exciting experiences you’ll have in your life. It’s also a very safe activity.” In addition, the website at www.iflyworld.com also indicates that children as young as 3 years old and adults as elderly as 103 years old can participate. Further, the website at www.iflyworld.com holds “Is it safe: Yes, your safety is our primary concern. Our unique design with its wall-to-wall air column, along with our certified and highly trained instructors, allows you to safely enjoy your flight session. Your flight instructor is with you through your entire flight experience regardless of your level of experience.”

2. On and before January 21, 2021, Defendant, SKYGROUP, while knowingly marketing IFLY as a “*very safe activity*” and holding that a “*flight instructor is with you through your entire flight experience regardless of your level of experience,*” also knowingly maintained and controlled an “iFLY Release of Liability and Indemnity Agreement” that, inconsistent with its website, held that “*the iFLY Activities are INHERENTLY DANGEROUS ACTIVITIES and among the risks participants will be exposed to are the risks of SERIOUS BODILY INJURY AND DEATH.*”

3. On and before January 21, 2021, Defendant, SKYGROUP, knew that the content on its website were false statements of material fact, but consciously chose to maintain false statements of material fact on its website while knowing participants like Plaintiff, DAVID SCHILLING, visited the website at www.iflyworld.com to learn about IFLY.

4. On and before January 21, 2021, Defendant, SKYGROUP, intentionally included the false statements of material fact on its website to induce Plaintiff, DAVID SCHILLING, and others to believe IFLY activities were safe to entice Plaintiff, DAVID SCHILLING, and others to visit IFLY locations to purchase IFLY flights.

5. On and before January 21, 2021, Plaintiff, DAVID SCHILLING, justifiably relied on the truth of the false statements of material fact on the website that Defendant, SKYGROUP, owned, operated, controlled, and maintained in purchasing an IFLY flight and participating in IFLY on January 21, 2021 believing it was safe and an instructor would be present and intervene when he needed assistance throughout his flight.

6. On January 21, 2021, Plaintiff, DAVID SCHILLING, as a direct and proximate result of his justifiable reliance on the false statements of material fact, sustained serious and permanent injuries.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYGROUP INVESTMENTS, LLC for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XV: FRAUDULENT MISREPRESENTATION: IFLY HOLDINGS, LLC

1. On and before January 21, 2021, Defendant, IFLYHOLDINGS, owned, operated, controlled, and maintained a website at www.iflyworld.com that included express content and false statements of materials fact at <http://www.iflyworld.com/discover/what-to-expect> that IFLY activities and/or “indoor skydiving is one of the most exciting experiences you’ll have in your life. It’s also a very safe activity.” In addition, the website at www.iflyworld.com also indicates that children as young as 3 years old and adults as elderly as 103 years old can participate. Further, the website at www.iflyworld.com holds “Is it safe: Yes, your safety is our primary concern. Our unique design with its wall-to-wall air column, along with our certified and highly trained instructors, allows you to safely enjoy your flight session. Your flight instructor is with you through your entire flight experience regardless of your level of experience.”

2. On and before January 21, 2021, Defendant, IFLYHOLDINGS, while knowingly marketing IFLY as a “very safe activity” and holding that a “flight instructor is with you through your entire flight experience regardless of your level of experience,” also knowingly maintained and controlled an “iFLY Release of Liability and Indemnity Agreement” that, inconsistent with its website, held that “the iFLY Activities are INHERENTLY DANGEROUS ACTIVITIES and among the risks participants will be exposed to are the risks of SERIOUS BODILY INJURY AND DEATH.”

3. On and before January 21, 2021, Defendant, IFLYHOLDINGS, knew that the content on its website were a false statements of material fact, but consciously chose to maintain false statements of material fact on its website while knowing participants like DAVID SCHILLING visited the website at www.iflyworld.com to learn about IFLY.

4. On and before January 21, 2021, Defendant, IFLYHOLDINGS, intentionally included the false statements of material fact on its website to induce DAVID SCHILLING, and others to believe IFLY activities were safe to entice DAVID SCHILLING, and others to visit IFLY locations to purchase ILFY flights.

5. On and before January 21, 2021, DAVID SCHILLING, justifiably relied on the truth of the false statements of material fact on the website that Defendant, IFLYHOLDINGS, owned, operated, controlled, and maintained in purchasing an IFLY flight and participating in IFLY on January 21, 2021.

6. On January 21, 2021, DAVID SCHILLING, as a direct and proximate result of his justifiable reliance on the false statements of material fact, sustained serious and permanent injuries.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, IFLY HOLDINGS, LLC for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XVI: FRAUDULENT MISREPRESENTATION: SKYVENTURE, LLC

1. On and before January 21, 2021, Defendant, SKYVENTURE, owned, operated, controlled, and maintained a website at www.iflyworld.com that included express content at <http://www.iflyworld.com/discover/what-to-expect> that IFLY activities and/or “*indoor skydiving is one of the most exciting experiences you’ll have in your life. It’s also a very safe activity.*” In

addition, the website at www.iflyworld.com also indicates that children as young as 3 years old and adults as elderly as 103 years old can participate. Further, the website at www.iflyworld.com holds *“Is it safe: Yes, your safety is our primary concern. Our unique design with its wall-to-wall air column, along with our certified and highly trained instructors, allows you to safely enjoy your flight session. Your flight instructor is with you through your entire flight experience regardless of your level of experience.”*

2. On and before January 21, 2021, Defendant, SKYVENTURE, while knowingly marketing IFLY as a “very safe activity” and holding that a *“flight instructor is with you through your entire flight experience regardless of your level of experience,”* also knowingly maintained and controlled an “iFLY Release of Liability and Indemnity Agreement” that, inconsistent with its website, held that *“the iFLY Activities are INHERENTLY DANGEROUS ACTIVITIES and among the risks participants will be exposed to are the risks of SERIOUS BODILY INJURY AND DEATH.”*

3. On and before January 21, 2021, Defendant, SKYVENTURE, knew that the content on its website was a false statement of material fact, but consciously chose to maintain false statements of material fact on its website while knowing participants like DAVID SCHILLING, visited the website at www.iflyworld.com to learn about IFLY.

4. On and before January 21, 2021, Defendant, SKYVENTURE, intentionally included the false statements of material fact on its website to induce DAVID SCHILLING, and others to believe IFLY activities were safe to entice DAVID SCHILLING, and others to visit IFLY locations to purchase IFLY flights.

5. On and before January 21, 2021 DAVID SCHILLING, justifiably relied on the truth of the false statements of material fact on the website that Defendant, SKYVENTURE,

owned, operated, controlled, and maintained in purchasing an IFY flight and participating in IFLY on January 21, 2021.

6. On January 21, 2021, DAVID SCHILLING, as a direct and proximate result of his justifiable reliance on the false statements of material fact, sustained serious and permanent injuries.

WHEREFORE, Plaintiff, KIMBERLY A. SCHILLING, as Power of Attorney and on behalf of DAVID SCHILLING, demands judgment against Defendant, SKYVENTURE, LLC for a sum in excess of FIFTY-THOUSAND (\$50,000.00) and costs of this suit.

COUNT XVII: LOSS OF CONSORTIUM: KIMBERLY SCHILLING

1. Plaintiffs re-allege Count I for Paragraph 1 of Count XVII.
2. Plaintiffs re-allege Count II for Paragraph 2 of Count XVII.
3. Plaintiffs re-allege Count III for Paragraph 3 of Count XVII.
4. Plaintiffs re-allege Count IV for Paragraph 4 of Count XVII.
5. Plaintiffs re-allege Count V for Paragraph 5 of Count XVII.
6. Plaintiffs re-allege Count VI for Paragraph 6 of Count XVII.
7. Plaintiffs re-allege Count VII for Paragraph 7 of Count XVII.
8. Plaintiff re-alleges Count VIII for Paragraph 8 of Count XVII.
9. Plaintiff re-alleges Count IX for Paragraph 9 of Count XVII.
10. Plaintiff re-alleges Count X for Paragraph 10 of Count XVII.
11. Plaintiff re-alleges Count XI for Paragraph 11 of Count XVII.
12. Plaintiff re-alleges Count XII for Paragraph 12 of Count XVII.
13. Plaintiff re-alleges Count XIII for Paragraph 13 of Count XVII.
14. Plaintiff re-alleges Count XIV for Paragraph 14 of Count XVII.

15. Plaintiff re-alleges Count XV for Paragraph 15 of Count XVII.

16. Plaintiff re-alleges Count XVI for Paragraph 16 of Count XVII.

17. On January 21, 2021, and at all times relevant times before and after, Plaintiff, KIMBERLY SCHILLING, was the wedded wife of Plaintiff, DAVID SCHILLING, and as a direct and proximate result of the injuries sustained by the Plaintiff, DAVID SCHILLING, Plaintiff, KIMBERLY SCHILLING, sustained injuries of a personal and pecuniary nature, including, but not limited to, loss of consortium, society, companionship and affection.

WHEREFORE, Plaintiff, KIMBERLY SCHILLING, prays for judgment against Defendants, SKYGROUP INVESTMENTS, LLC, IFLY HOLDINGS, LLC, SKYVENTURE LLC, JORDAN FLEIG, and GERLICH WINTERSTEEN, in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), including costs of this suit.

Respectfully submitted,

/s/ Jack J. Casciato

Jack Casciato, One of the attorneys for Plaintiff

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