

EXHIBIT 1

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

1 Sid Leach (#019519)
2 Monica A. Limón-Wynn (#019174)
3 SNELL & WILMER L.L.P.
4 One Arizona Center
5 400 East Van Buren Street
6 Phoenix, Arizona 85004-2202
7 Telephone: (602) 382-6390
8 Facsimile: (602) 382-6070
9 sleach@swlaw.com
10 mlimon-wynn@swlaw.com
11 Attorneys for Skydive Arizona, Inc.

12 IN THE UNITED STATES DISTRICT COURT FOR THE
13 DISTRICT OF ARIZONA

14 SKYDIVE ARIZONA, INC.,

Case No. 2:05-CV-2656 PHX-MHM

15 Plaintiff,

DECLARATION OF JEN SHARP

16 vs.

17 CARY QUATTROCCHI; BEN BUTLER;
18 USSO, LLC dba 1800SKYRIDE; ATLANTA
19 SC, INC.; CASC INC.; IGOVINCENT, INC.,
20 a Georgia corporation; 1800SKYRIDE.com;
21 and DOES 1 through 50,

22 Defendants.

23 I, Jen Sharp, being first duly sworn upon my oath, depose and say:

24 1. I am over the age of 18 years old and competent to testify to the matters set
25 forth below.

26 2. Since October 1995, I have owned and operated a skydiving center in Osage
27 City, Kansas called Skydive Kansas.

28 3. Although there used to be five actual drop zones located in the State of
Kansas, there now are only three drop zones operating.

4. I have enjoyed a good business relationship with each of Kansas drop zone
owners for many years. I know the owners personally and speak with them frequently.

5. As a result of my relationships with these drop zones, I know that at least
since 2002, none of the five drop zones in Kansas (including the three existing drop zones

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1 in Kansas) accept the 1-800-Skyride gift certificates or gift certificates sold by 1-800-
2 Skyride, Thrill Planet or IGOVincent.

3 6. My drop zone is about 30 minutes south of Topeka. I have received calls
4 from persons inquiring whether my drop zone is “the place south of Topeka.” We are the
5 only drop zone truly considered to be “south of Topeka.” Although Air Capital Drop
6 Zone is located about 2.5 hours southwest of Topeka, it is more common to refer to that
7 skydiving center as being located in Wichita.

8 7. The 1-800-Skyride Defendants and their affiliates, including Thrill Planet,
9 maintain websites that represent to consumers that gift certificates may be purchased from
10 their websites for use at a skydiving center in Kansas.

11 8. The 1-800-Skyride Defendants use the name of my company, “Skydive
12 Kansas,” throughout their websites to target consumers who are interested in purchasing a
13 skydive in Kansas. See attached printout from <http://kansasskydive.com>.

14 9. Another of Defendants’ website uses the term “Skydive Kansas Pictures.”
15 None of the pictures are those of Skydive Kansas. See
16 <http://www.1800skyride.com/Skydiving/Topeka/>. Another of Defendants’ websites that
17 uses the name “Skydive Kansas” claims to be an entity called “Adventure Skydiving
18 Kansas” that is found at this URL:
19 http://kansasskydiving.com/kansas_skydiving_questions.html. (See attached.)
20

21 10. Websites maintained by Defendants represent that they have a relationship
22 and/or affiliation with skydiving centers in the State of Kansas, when no such
23 relationships or affiliations exist. For example, Defendants’ website,
24 kansasskydiving.com, represents to consumers that they can skydive in Kansas:
25 “Experience the adrenaline pumping action of skydiving from an airplane high in the
26 Kansas sky!”
27
28

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1 11. In another website, topekaskydiving.com, Defendants represent that they are
2 located in Topeka:

3 Welcome to Topeka Skydiving!

4 Topeka Skydiving invites you to join us for the most
5 exhilarating skydive in Kansas !

6 12. One of Defendants' websites even represents that it is located south of
7 Topeka. As stated above, my drop zone, Skydive Kansas, is the only dropzone considered
8 to be "south of Topeka" in Kansas. I have no business relationship with nor any
9 affiliation with Defendants or the other entities through which they do business, such as
10 Thrill Planet.

11 13. The kansasskydiving.com website expressly represents that skydiving
12 occurs in Topeka:

13 Skydiving in Topeka, Kansas!

14 Get ready for the ride of your life! Kansas Skydiving
15 specializes in making dreams come true. Students out of
16 Topeka have several options with their first skydive! Video
17 packages are offered to record every minute of your
18 adventure, from start to finish. Safety is our number one
19 priority, so remember to give us a call to take your first
20 skydive out of Topeka, Kansas!

21 14. For years I have personally received calls from consumers who were led to
22 believe that they had purchased a gift certificate over the Internet that could be redeemed
23 at my drop zone. I have felt badly for the consumers who were misled, but still have not
24 accepted the 1-800-Skyride gift certificates. I still receive calls from consumers who are
25 unclear whether they have reached an actual drop zone or are simply talking to one of the
26 1-800-Skyride representatives.

27 15. None of the drop zone owners in Kansas have the financial resources to take
28 on Defendants to bring an end to their deceptive marketing practices.

I declare under penalty of perjury that the foregoing is true and correct.

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DATED this 7 day of February, 2010.

By Jen Sharp
Jen Sharp

Snell & Wilmer

Law Offices
One Avenue Center, 400 E. Van Buren
Phoenix, Arizona 85004-2388
(602) 442-2000



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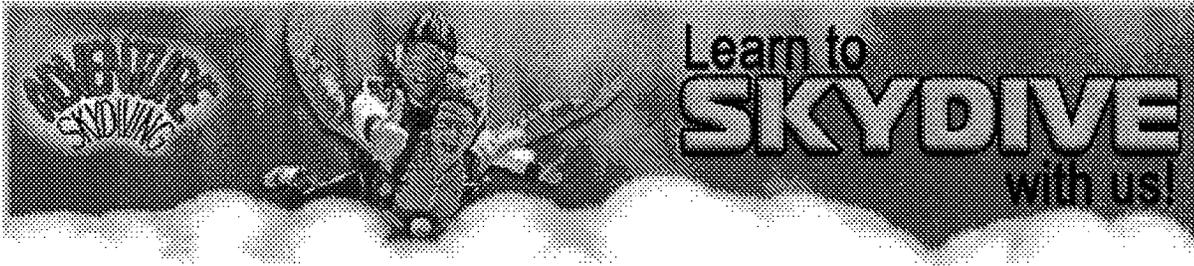
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1-800-516-5867

[What are the age requirements for Kansas skydiving?](#)

You must be at least 18 years of age to make a skydive.

[What are the physical requirements?](#)

In general, you should be in reasonably good physical shape, as skydiving is most definitely a sport.

You will be required wear around 35 lbs of equipment for AFF skydiving but for tandem skydive only a harness is needed.

For students that are approximately 250 lbs or more, Tandem Jumps are available as the best alternative.

People with medical conditions that may impair them, who experience fainting spells, blackouts, or have a weak heart should not be jumping. Someone with respiratory illness may have a problem due to atmospheric changes at altitude. The better your physical condition, the more you will enjoy the experience. This being said, very few people have medical or physical conditions which actually prohibit jumping.

Adventure Skydiving Kansas will work with you. If you have a question, ask us, and as always, ask your doctor. You may be surprised at the relatively few physical constraints involved [\[back to top\]](#)

What do I wear?

Wear comfortable clothing that suits the weather. We will provide you with everything else necessary for your jump(s).

Wear lace-up running shoes (no hiking boots or sandals, please). You can jump with your glasses or contact lenses, as we will provide goggles for you to wear over your glasses. [\[back to top\]](#)

What does the training consist of?

The [First Jump Course](#) teaches you every thing you need to know to safely make your jump if your are making an AFF first skydive. For Tandem 5 to 15 minuets is all that is needed. [\[back to top\]](#)

How much does it cost?

For your convenience, our [rates](#) are listed on the website. [\[back to top\]](#)

What is Tandem Jumping?

Tandem jumps consist of an experienced jumper called a "Tandemmaster" and a passenger. More information can be found on our [Tandem Information](#) page . [\[back to top\]](#)

What if my parachute doesn't open?

Clearly, this is the most Frequently Asked Question posed by all prospective jumpers.

By law, all intentional parachute jumps must be made with a single harness, dual parachute system with both a main canopy AND a reserve canopy. In other words, you have a second (or spare) canopy in case the first one fails to open properly.

However, it must be noted that the technology utilized in today's sport parachuting equipment is light years ahead of the old military surplus gear used in the '60s and '70s. The materials are stronger, lighter and last longer. The packing procedures are simpler, the deployment sequence is much more refined, etc.

The reserve canopies are even more carefully designed and packed. The reserve parachute must be inspected and repacked every 120 days by a certified parachute Rigger - even if it has not been used during that time.

The student's main canopy is always packed either by a rigger, or under a rigger's supervision by experienced packers.

There are also additional safety features employed to ensure canopy deployment, such as Automatic Activation Devices (AAD) and Reserve Static Lines (RSL), which add still more layers of safety. [\[back to top\]](#)

How fast will I fall?

When you leave the aircraft, you are moving horizontally at the same speed as the aircraft, typically 110-130 MPH. During the first 10 seconds, a skydiver accelerates up to about 110-130 MPH straight down. (A tandem pair uses a drogue chute to keep them from falling much faster than this). It is possible to change your body position to vary your rate of fall. In a standard face-to-earth position, you can change your fall rate up or down a few (10-20) miles per hour. However, by diving or "standing up" in freefall, any experienced skydiver can learn to reach speeds of over 160-200 MPH. Speeds of over 200 MPH require significant practice to achieve. The record freefall speed, done without any special equipment, is 321 MPH. Obviously, it is desirable to slow back down to 120 MPH before the parachute opening.

Once under parachute, descent rates of 800 ft./min. are typical. A lighter student with a bigger canopy may come down much more slowly, and obviously, a heavier person may have a somewhat faster descent. Experienced jumpers' canopies descend (in normal glide) at up to 1500 ft./min. During radical turns, the descent rate can go well over 2000 ft./min. [\[back to top\]](#)

How hard is the landing?

The canopies used today bear little resemblance to the classic round canopies of years gone by. Today, nearly all jumpers and jump schools use "ram air" canopies for parachuting. These canopies are actually rectangular in shape, and when open, act like an airplane wing (or an airfoil). They are

more like gliders than umbrellas.

The aerodynamics of the square canopy provides it with exceptional maneuverability, allowing the jumpers to land almost anywhere they wish. This wing shape can also provide tiptoe soft landings for even the novice jumper. The days of landing like a sack of flour are history. Many students land standing up on their first jump! [\[back to top\]](#)

How do you breath in freefall?

One CAN breathe in freefall - if it were necessary. However, due to the high speed of terminal freefall and vertical freefall dives, the jumper's body is exposed to O₂ molecules at a much higher rate than someone walking around on the ground. The body is able to absorb the necessary O₂ through the skin. This is why jumpers flap their cheeks in freefall, it presents a larger surface area to the airstream for oxygen osmosis. Once under canopy, the jumper resumes breathing normally. This is also why jumpers do not jump on cloudy days or when they might risk going through clouds. The moisture in the clouds can condense on their exposed skin surfaces preventing the absorption of the necessary oxygen. [\[back to top\]](#)

Where can I try Skysurfing or BASE jumping?

It's a nutshell, you can after you are certified.

"Skysurfing" or "Sky boarding" refers to skydiving with a small board, similar to a snowboard, attached to your feet. This allows for some radical maneuvers in freefall. However, such jumps should only be attempted by experienced skydivers, and preferably after long discussion with one of the many skysurfers who have experience. Some board manufacturers and experienced skysurfers offer instructional classes or videotapes.

BASE jumping involves jumping off of fixed objects (like Buildings, Antennas, Spans (bridges), or Earth (cliffs)), and landing under a parachute. While being an expert skydiver isn't an absolute requirement, you need a great deal of experience in parachute packing, canopy control, quick reflexes, and body position awareness before this can be attempted with any real safety. Start with skydiving, and then go from there. Furthermore, there are very few places where one may BASE jump legally, as most locations are private property. [\[back to top\]](#)

Glossary of Skydiving Terms, Abbreviations, & Colloquialisms:

AAD - Abbr.. n, "Automatic Activation Device". An altitude sensing device used to automatically activate the opening sequence for a parachute. Most commonly refers to their application to sport reserve parachutes, but also used in other non sport scenarios such as ejection seats, etc.

AFF - Abbr.. n, "Accelerated FreeFall". A training program for first jump students where the skydiving skills development rate is accelerated over that of the older static line program.

Boogie - n, A gathering of jumpers for the purposes of jumping and socializing. Typically, boogies will have large aircraft, unusual aircraft (balloons, helicopters), special events (record attempts), or some sort of competition as a focal point to attract jumpers from widely diverse regions.

Bounce - Colloquialism v, term for landing, after freefall, without the aid of a parachute. Also: hammer in, frappe, go in.

Canopy - n, parachute.

CFS - Abbr., "Canopy Formation Skydiving". The new "official" term for a discipline of skydiving in which jumpers under canopy fly their parachutes together to form various formations. However, most skydivers still refer to it as "CRW". (See CRW.)

CRW- Abbrev., "Canopy Relative Work". Describes the maneuvering done by jumpers under canopy to fly their parachutes together to form various formations. Sometimes referred to as CReW (Crew). See CFS.

DZ - Abbrev. n, "Drop Zone". A place where parachuting operations take place. This is may be a designated area, or frequently, a commercial business which supplies aircraft, instruction, gear sales and services.

Flare - v, to pull down on both of the canopy's steering toggles in order to lower decent rate and forward speed just prior to landing. The forward speed is traded-off for lift. A flare performed too late has no effect, a flare performed too early can result in a stall in which the canopy loses forward speed and drops straight down. A correctly performed flare results in an exceptionally soft landing.

FS - Abbrev., "Formation Skydiving". The new "official" term for a discipline of skydiving in which two or more jumpers fly relative to each other in freefall in order to form various formations. However, most skydivers refer to it as Relative Work, or "RW." (See RW.)

Hook turn - n, A high-speed turn with either the steering toggles or the front risers performed at very low altitude in order to build up speed before landing. See "turf surf."

JM -Abbrev. n, "JumpMaster". A jumper trained and certified to supervise students and/or novices during their jump.

Main - n, the primary parachute.

Opening shock - n, The force experienced by the jumper due to the sudden deceleration from terminal velocity due to the deployment of a parachute.

RW - Abbrev., "Relative Work". Describes the freefall maneuvering whereby two or more jumpers fly relative to each other in freefall in order to form various formations. See FS.

Reserve - n, the secondary, or backup, parachute.

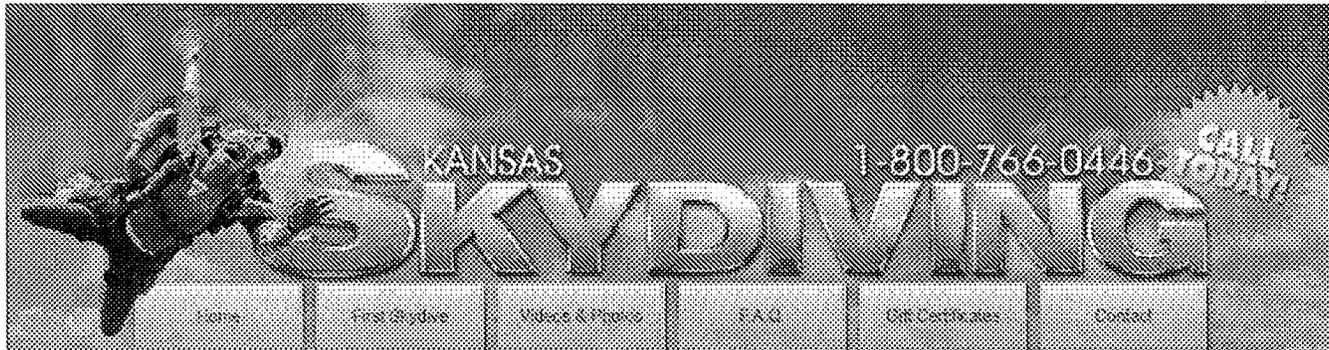
Round - n, a class of parachutes designed to simply decelerate a body in a fluid medium. The classic parachute.

Square - n, a class of parachutes designed to inflate and take the shape of an airfoil. These are more accurately rectangular in shape and are semi-rigid wings.

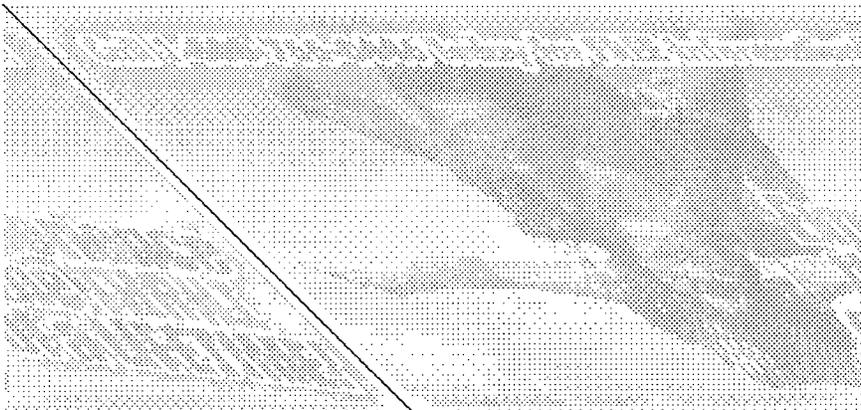
Turf surf - v, (also, to "surf it") a high-speed style of landing. The jumper builds up speed (see Hook Turn) and then flares mere moments before touchdown, resulting in a spectacular landing in which the jumper skims mere inches above the ground at 30-40mph, for up to 100 yards. Or, if the jumper flares too late, resulting in a spectacular landing in which the jumper impacts the ground, leading to medical bills, orthopedic surgery, and/or death. Attempt this maneuver at your own risk!

Whuffo - Colloquialism, n, A person who is not a skydiver (from the often-asked phrase "Whuffo you jump out of them airplanes?"). [[back to top](#)]

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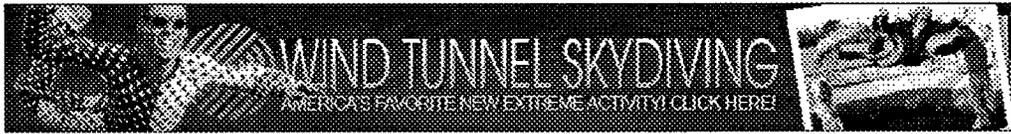
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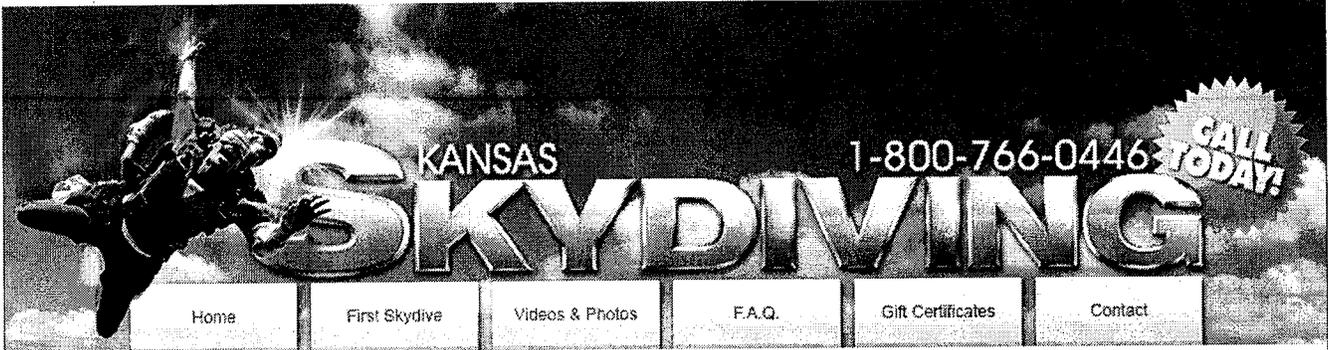


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