

STATE SUPREME COURT

Man hurt at Six Flags is awarded \$4 million

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3/19/2004

A jury in Little Valley has ordered the Six Flags theme park chain to pay former Olean businessman Mike Dwaileebe \$4 million for the Darien Lake roller coaster accident that has left him with severe back pains and an uncorrectable hernia condition, court officials said Thursday.

Following a five-week trial before acting State Supreme Court Justice Larry Himelein, a jury deliberated for three days before finding Six Flags Darien Lake 100 percent liable for the May 16, 1999, accident on its Superman coaster.

The jury also cleared Intamin of Maryland, manufacturer of the ride - which was modified a week after Dwaileebe's injuries - of liability in the accident.

Gerald W. Schaffer, Dwaileebe's lawyer, said his client will have to take pain medication for the rest of his life because of internal injuries, including multiple rib fractures.

Dwaileebe, now 42, was thrown 10 feet to the ground after he was jettisoned from his seat on the ride.

As a result of the coaster accident, Dwaileebe also has been left with a hernia that cannot be fixed by surgery, said Schaffer, senior litigation partner at the Buffalo law firm Cellino and Barnes.

Six Flags argued that Dwaileebe fell as the ride came to a stop because he was too large for the seat's lap-restraint bar to be pushed down far enough to engage. Park official's later added safety belts to the ride. Attorneys for Six Flags, which is reportedly considering an appeal, could not be reached to comment.