

THE STEPHENS LAW FIRM

A PROFESSIONAL CORPORATION

JOE B. STEPHENS

23922 CINCO VILLAGE CENTER BLVD.
SUITE 200
KATY, TEXAS 77494

TELEPHONE
(713) 224-0000

Board Certified: Personal Injury Trial Law
Texas Board of Legal Specialization

FACSIMILE
(713) 224-0055

Joe@JoeStephensLaw.com

Board Certified: Civil Trial Advocate
National Board of Trial Advocacy

WEBSITE
WWW.JOESTEPHENS LAW.COM

March 25, 2011

Via email: richard.baker@tdi.state.tx.us

Richard Baker
Texas Department of Insurance
Austin, Texas

Via email: ConsumerProtection@tdi.state.tx.us

Texas Department of Insurance
Austin, Texas

Re: Complaint against Ray Cammack Shows, Inc. and Houston Livestock Show and Rodeo;

Brian Greenhouse Death of March 20, 2011

Dear Mr. Baker:

I write to lodge a complaint against Ray Cammack and the Houston Livestock Show and Rodeo (which I assume is subject to your jurisdiction as an owner or operator of the ride). These groups were the owners and operators of a ride, the Hi Miler Roller Coaster Ride. Brian Greenhouse was killed on March 20, 2011 when he was thrown from the first car of the ride, apparently due to a defective latching bar. I do not represent him nor have any financial interest in his suit. I write as a concerned citizen of this state and a patron of the Rodeo.

As you are aware, Barbara Peterson lodged an official complaint against Ray Cammack and the Rodeo on March 23, 2009. She stated that both she and her four (4) year old were almost killed when they rode in the first car of the Hi Miler Roller Coaster and the latching bar failed. Though you asked the Carnival operators to inspect and fix it, they obviously did not heed your instructions. I have read with interest the report of their paid consultants Coulter and Associates following your directive. The inspection was woefully inadequate, laid the problem at the feet of the manufacturers of the ride, and then suggested that a shoulder belt was not needed. (*which was never really the complaint anyway*). The hazard was the defective latching bar. The entire

ride should have been shut down until they redesigned the underlying problem of the latching bar. Unless this was corrected, it was a statistical certainty that someone would be killed.

Then, it has been widely reported that another woman who rode the Hi Miler lodged a complaint with Ray Cammack and the Rodeo only four days before the Greenhouse death. See, <http://abclocal.go.com/ktvk/story?section=news/local&id=8027027>. The ride operators therefore knew that this was a reoccurring problem, yet failed to correct it, or to shut the ride down. I feel quite certain they did not report it to you, and wonder if they even bothered to file an incident report. Given the prior report of Barbara Peterson, who I personally know to be a very credible and honest person, the ride operator's decision to continue operations of the Hi Miler demonstrates an astonishing level of carelessness toward the safety of the rodeo patrons and their little children who ride the rides.

As you may know, Ray Shaffer, the Chief Operating Officer of the Rodeo appeared on ABC and told everyone they had never had a complaint filed alleging problems with this latching bar. He apparently told the public in several media interviews the ride was safe. His story was apparently untrue. See, <http://abclocal.go.com/ktvk/story?section=news/local&id=8031865>

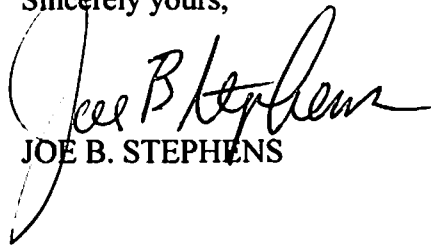
Moreover, the TDI records reflect that this incident has been falsely reported. They state that the alleged injury was "*possible internal or pre-existing injury*." That report is false. As anyone old enough to watch the news now knows, Mr. Greenhouse is dead. They also report that another Rodeo patron's cause of injury: "*patron fell on him*." That report is misleading at best. They fail to mention that this patron was injured because Mr. Greenhouse flew from their roller coaster through the air and landed on his ankle. Your regulations mandate that the ride owners and operators file truthful reports, and I trust you will decide if they followed both the letter and spirit of the rules. See, <http://www.tdi.state.tx.us/bulletins/2010/cc24.html>

Additionally, the evidence suggests that those responsible for reporting these incident have engaged in a pattern of this behavior. In 2002, I represented Kathryn Spicker, another occupant seriously injured due to Ray Cammack Show's negligence. During my investigation of that case, I discovered they had never reported the injury, even a year after the incident. As I recall, there had been two other injuries reported due to the same dangerous condition around the time of the Spicker incident and those went unreported as well. The Houston Press wrote an article complaining of the serious and ongoing problem with failing to provide the necessary reports. See, <http://www.houstonpress.com/content/printVersion/230373>

The time has come for the Texas Department of Insurance to conduct a major investigation. At the very least, TDI should subpoena witnesses from these organizations, demand the incident reports of all complaints and accidents, and ferret out what they actually knew prior to the Greenhouse death. It has been reported that out of this State's 150 mobile carnival operations, Ray Cammack Shows leads the entire state in occupant injuries. See, <http://www.houstonpress.com/content/printVersion/230373>; (*this is out of the one's we actually know about*).

The bottom line. The public has a right to expect that the carnival rides are safe. What we have now is a group that has shown that they are more concerned with corporate profits than the safety of our children, and their parents. I trust that you will investigate, and take appropriate action. If not, I fear that many others will be needlessly exposed to the dangerous operations and careless attitude of the Ride Operators.

Sincerely yours,

A handwritten signature in cursive script, reading "Joe B. Stephens". The signature is written in black ink and is positioned above the printed name.

JOE B. STEPHENS