

<p>DISTRICT COURT, SUMMIT COUNTY, STATE OF COLORADO</p> <p>Address:</p> <p>501 N. Park Ave. Breckenridge, CO 80424</p>	<p>DATE FILED March 14, 2025 11:10 AM FILING ID: BC395292641BD CASE NUMBER: 2025CV30053</p>
<p>PLAINTIFF:</p> <p>Victoria Sanko-Perucco, as Widow of John Perucco, deceased,</p> <p>v.</p> <p>DEFENDANTS:</p> <p>Vail Resorts, Inc. and Vail Summit Resorts, Inc. d/b/a Breckenridge Ski Resort</p>	
<p>Attorneys for Plaintiff:</p> <p>Georgina Melbye, #47847 Calvin Frauenfelder, #58477 KALAMAYA   GOSCHA 133 Prospector Road, Suite 4102X Aspen, CO 81611 Tel: 970-315-4663 Tel: 303-536-3678 Email: georgina@kalamaya.law Email: calvin@kalamaya.law</p> <p>S. Paige Singleton, #49011 RAMOS LAW 10190 Bannock Street, Suite 200 Northglenn, CO 80260 Tel: 303.733.6353 Email: psingleton@ramoslaw.com</p>	<p>↑ ↑</p> <hr/> <p><b>COURT USE ONLY</b></p> <p>Case Number:</p> <p>Division:</p>
<p><b>CIVIL COMPLAINT AND JURY DEMAND</b></p>	

COMES NOW Plaintiff, Victoria Sanko-Perucco (“Ms. Sanko-Perucco” or “Plaintiff”), as the late Spouse of John Perucco (“Mr. Perucco”), Deceased, in her individual capacity, by and through counsel, Kalamaya | Goscha and Ramos Law, hereby submits the following Civil Complaint and Jury Demand.

## **INTRODUCTION**

1. On March 17, 2023, shortly after the chair lift opened and before 9:20 a.m., Mr. Perucco boarded the Zendo chair lift at Breckenridge Ski Resort.
2. Before making it to the first pole, Mr. Perucco slid off the chair due to unsafe snow and ice accumulation on the seat of the chair, and plunged approximately 25 feet, landing on hardpack snow and suffering critical injuries.
3. Though Mr. Perucco survived the initial fall, he tragically succumbed to his injuries while in transit to the hospital and passed away.

## **PARTIES AND JURISDICTION**

4. Plaintiff Victoria Sanko-Perucco is the late spouse of Mr. Perucco.
5. Plaintiff has standing to bring this action for the wrongful death of her husband, Mr. Perucco, and to recover all damages pursuant to C.R.S. § 13-21-201 et seq.
6. Plaintiff is a resident of the State of Washington, residing at 2230 Bonair Place SW, Seattle, WA 98116.
7. Defendant Vail Resorts, Inc. is a Colorado Corporation that was organized under the laws of the State of Colorado.
8. Vail Resorts, Inc. is a citizen of the state of Colorado, with its headquarters and principal place of business located at 390 Interlocken Crescent, Suite 1000, Broomfield, CO 80021.
9. Vail Resorts, Inc. owns and operates forty-two ski resorts in the United States, Canada, Australia, and Switzerland, including Breckenridge Ski Resort.

10. Vail Summit Resorts, Inc. is a Colorado Corporation that was organized under the laws of the State of Colorado.
11. Vail Summit Resorts, Inc. is a citizen of the state of Colorado, with its headquarters and principal place of business located at 390 Interlocken Crescent, Suite 1000, Broomfield, CO 80021.
12. Upon information and belief, Vail Summit Resorts, Inc. is a subsidiary of Vail Resorts, Inc., that assists in managing Breckenridge Ski Resort.
13. Vail Resorts, Inc. and Vail Summit Resorts, Inc. are collectively referred to herein as “Vail Resorts” or “Defendants.”
14. This court has personal jurisdiction and subject matter jurisdiction over this action pursuant to C.R.S. § 13-1-124(1)(a), (b), and (c).
15. Venue is proper pursuant to C.R.C.P. 98(c) because the tortious acts occurred in Summit County.

#### **GENERAL ALLEGATIONS**

16. Mr. Perucco was an avid and expert skier, having skied for 46 years.
17. Mr. Perucco volunteered as a ski patroller for over 18 years and was recognized annually by the White House President’s Volunteer Service Award since 2014.
18. To facilitate his love for skiing, Mr. Perucco purchased an EPIC pass from Vail Resorts, which permitted him to ski at Breckenridge on the days of his choice without needing to buy individual day passes.
19. On March 17, 2023, Mr. Perucco was skiing at Breckenridge with his friend.

20. Breckenridge is a Colorado Ski Resort that is open to the public for the purpose of skiing, snowboarding, and various other outdoor activities.
21. At all times material to this case, Vail Resorts was the owner of Breckenridge.
22. At all times material to this case, Vail Resorts was the Ski Area Operator of Breckenridge Ski Resort and the Zendo Chairlift.
23. Vail Resorts is, and at all times material to this case, was the owner and operator and licensee of the Zendo Chairlift located at Breckenridge.
24. The Zendo Chairlift is, and at all material times was, a “public tramway” within the meaning of the Colorado Passenger Tramway Safety Act and was subject to regulation by the Colorado Public Tramway Safety Board (“CPTSB”).
25. The Zendo Chairlift is a fixed grip, four-person chair lift, which was installed in Breckenridge in 2013.
26. The Zendo Chairlift’s lift identification number is BR-054.
27. Upon information and belief, on March 17, 2023, an attendant was stationed at the loading zone of the Zendo Chairlift in order to assist passengers with loading and to watch for possible unusual occurrences.

#### **DUTIES OF SKI LIFT OPERATOR**

28. Under Colorado law, the primary responsibility for the design, construction, maintenance, operation, and inspection of a ski lift rests with the area operator of the passenger tramway devices. This amounted to a nondelegable duty on the part of Defendants.

29. Under Colorado law, the standard of care applicable to a ski lift operator for the design, construction, maintenance, operation, and inspection of a ski lift is the HIGHEST DEGREE OF CARE commensurate with the practical operation of the ski lift.
30. As the owner and area operator of the Zendo Chairlift, Defendants and their agents, employees, supervisors, managers, owners, and operators owed the highest duty of care to Mr. Perucco while he was a passenger on the Zendo Chairlift on March 17, 2023.
31. Defendants and their agents, employees, supervisors, managers, owners, and operators were in a special relationship with Mr. Perucco by virtue of undertaking the risk to provide him with safe passage on the Zendo Chairlift on March 17, 2023. This special relationship gave rise to a nondelegable duty to exercise the highest degree of care in providing him safe passage to the top of the Zendo Chairlift.
32. Under the circumstances of this case, Defendants had exclusive possession and control of the Zendo Chairlift, which was used in the conduct of their business.
33. At all times material to this case, the Zendo Chairlift was operated at a considerable height above the ground over rough, elevated, precipitous, snow-packed terrain.
34. At all times material to this case, Defendants knew or should have known that a fall from the Zendo Chairlift could be calamitous to the occupant of the ski lift, resulting in serious permanent injury or death.
35. At all times material to this case, Defendants knew or should have known that passengers on the Zendo Chairlift, including Mr. Perucco, entrusted their safety to the attendant and operator of the Zendo Chairlift.

36. At all times material to this case, Defendants knew or should have known that the operation of a ski lift like the Zendo Chairlift entailed both greater danger and greater responsibility than circumstances involving ordinary care.
37. At all times material to this case, Defendants exercised significant control over the safety and well-being of Mr. Perucco while he was a passenger on the Zendo Chairlift at Breckenridge.
38. As a passenger on the Zendo Chairlift, Mr. Perucco was relatively powerless to secure his own safety under the circumstances.
39. A state of dependence and trust existed at all times material to this case between Mr. Perucco and Defendants, as the owners and operators of the Zendo chairlift.
40. At all times material to this case, Mr. Perucco had surrendered himself to the care and custody of Defendants while riding on the Zendo Chairlift – he had given up his freedom of movement and actions, and there was nothing he could do to cause or prevent this tragedy.
41. The event that killed Mr. Perucco is the kind that ordinarily doesn't occur in the absence of negligence.
42. Responsible causes other than Defendants' negligence will be sufficiently eliminated by the evidence produced at trial.
43. The presumed negligence is within the scope of Defendants' duties to Mr. Perucco.
44. Under the doctrine of *res ipsa loquitur*, Ms. Sanko-Perucco is entitled to a rebuttable presumption that Defendants were negligent.

**MARCH 17, 2023**

45. Mr. Perucco loaded onto the Zendo Chairlift just before 9:20 a.m. on March 17, 2023.
46. Mr. Perucco loaded onto chair #59 of the Zendo Chairlift.
47. Prior to and upon loading, there were dangerous and unusual conditions and occurrences in that the seat Mr. Perucco loaded onto had an unreasonable amount of snow and ice accumulation covering the surface of the seat.
48. Upon information and belief, the snow and ice had remained on the chair lift seat since the previous night.
49. Prior to reaching the first tower of the Zendo Chairlift, and only a few seconds after loading onto the chair, Mr. Perucco attempted to remedy the dangerous snow and ice on his seat by clearing it off with his hand.
50. Then, suddenly and without warning, Mr. Perucco slid off the surface of the seat which had become slippery and slick due to the snow and ice present on the seat.
51. Mr. Perucco fell approximately 25 feet down from the chairlift, landing on the back of his neck and head on the hard packed snow directly beneath the lift line.
52. Mr. Perucco landed approximately 15 feet downhill of tower 1 and approximately 46 yards uphill of the load area.
53. Breckenridge Ski Patrol arrived at the scene of the fall at approximately 9:20 a.m. on March 17, 2023.
54. Upon information and belief, the members of Breckenridge Ski Patrol who responded to the scene were employees of Defendants.

55. The fall caused Mr. Perucco numerous serious injuries, including a fracture of his 5<sup>th</sup> cervical vertebra, bilateral pulmonary contusions, lacerations of the pericardium, inferior vena cava, and spleen, bilateral clavicle fractures, multiple bilateral rib fractures, and bilateral hemothoraces and hemoperitoneum.
56. Mr. Perucco had extreme difficulty describing what happened to Ski Patrol but eventually was able to state that he fell.
57. Upon information and belief, Ski Patrol chose to transport Mr. Perucco by toboggan behind a snowmobile instead of arranging for an airlift.
58. Mr. Perucco was transported by Ski Patrol in a toboggan to the bottom of Peak 8 at Breckenridge where he was to be taken via ambulance to the hospital.
59. Tragically, due to the catastrophic injuries Mr. Perucco suffered, he passed away while on medical transit and was pronounced dead at the hospital on March 17, 2023, at 11:53 a.m.
60. Upon information and belief, there was no attendant at the load zone of the Zendo Chairlift to clear the accumulated snow and ice off the seat before Mr. Perucco loaded.
61. Upon information and belief, the attendant present failed to observe the unusual and dangerous condition of snow and ice accumulation on the seat and permitted Mr. Perucco to board despite the unusually dangerous conditions present.
62. Upon information and belief, the attendant on duty noticed the unusual and dangerous condition of snow and ice accumulation on the seat but failed to take any action to make the seat safe before permitting Mr. Perucco to load.
63. By failing to observe/remedy the unsafe condition present on the chair Mr. Perucco loaded on, the attendant/operator of the Zendo Chairlift consciously and recklessly

disregarded Mr. Perucco's safety, knowing that accumulations of snow and ice could result in a fall that would be fatal to Mr. Perucco, knowing that passengers on the Zendo Chairlift – including Mr. Perucco – entrusted their safety to the operator of the Zendo Chairlift, and knowing that the operation of a ski lift like the Zendo Chairlift entailed both greater danger and greater responsibility than circumstances involving ordinary care.

64. Following Mr. Perucco's fatal fall, Zendo Chairlift was stopped by the operator at the lower terminal, but the lift was promptly started again to unload all the passengers who were currently on it.
65. The lift was again stopped in order for Defendants to perform an investigation into the fall.
66. Defendants conducted an internal investigation into Mr. Perucco's fall, but the investigation was focused only on whether the fall was a result of a malfunction of the Zendo Chairlift itself.
67. Defendant's internal investigation determined that the fall was not caused by a malfunction of the Zendo Chairlift.
68. Defendants then reopened the lift to the public and began normal operations.
69. It was not until 11:30 a.m. that Defendants notified the CPTSB of Mr. Perucco's fall; over two hours after Mr. Perucco's fall.
70. Due to Defendants' delay in reporting the fall to the CPTSB, the CPTSB was unable to perform a complete, independent, on-scene investigation into the cause of Mr. Perucco's fall due to the destruction of the evidence caused by Defendants' reopening the Zendo Chairlift to the public prior to the CPTSB's investigation.

71. As a direct and proximate result of Defendants' negligent, reckless, and unlawful acts and omissions, Mr. Perucco suffered injuries resulting in death.
72. At the time of Mr. Perucco's untimely death on March 17, 2023, Mr. Perucco and Ms. Sanko-Perucco were married and living together as husband and wife.
73. As a direct and proximate result of Defendants' negligent, reckless, and unlawful acts and omissions, Plaintiff, Victoria Sanko-Perucco, has suffered and will continue to suffer injuries, damages, and losses, including but not limited to, economic damages for medical expenses, loss of financial support, loss of home services, funeral and burial expenses, and other economic losses; and non-economic damages for grief, loss of companionship and consortium, pain and suffering, loss of enjoyment of life, and emotional distress.

**FIRST CLAIM FOR RELIEF**  
***Negligence Per Se/Private Right of Action Under the SSA***

74. Plaintiff incorporates all the paragraphs in this Complaint by reference.
75. The Colorado Legislature enacted the Ski Safety Act ("SSA") in 1979 to define the rights, responsibilities, and liabilities of both skiers and ski area operators. Colo. Rev. Stat. Ann. § 33-44-102; Ch. 323, sec. 1, § 33-44-102, 1979 Colo. Sess. Laws 1237, 1237.
76. The Colorado Legislature intended that the SSA controls: "Insofar as any provision of law or statute is inconsistent with the provisions of this article, this article controls." Colo. Rev. Stat. Ann. § 33-44-114.
77. The General Assembly enacted the Passenger Tramway Safety Act ("PTSA") with the purpose of assisting "in safeguarding life, health, property, and the welfare of this state" in the operation of passenger tramways. Colo. Rev. Stat. Ann. § 25-5-701.

78. Together, the SSA and PTSA establish a framework for negligence actions in the ski and ski lift context by identifying various duties for violations of statutory and regulatory requirements.
79. As intended by the Colorado Legislature, a violation by a ski area operator of any rule or regulation promulgated by the CPTSB pursuant to the PTSA constitutes negligence and/or negligence *per se*. Colo. Rev. Stat. Ann. § 33-44-104(2) (“A violation by a ski area operator of any requirement of this article or any rule or regulation promulgated by the passenger tramway safety board pursuant to section 25-5-704(1)(a), C.R.S., shall to the extent such violation causes injury to any person or damage to property, constitute negligence on the part of such operator.”).
80. The PTSA not only defines duties of operators of a tramway, it also empowers the CPTSB with rulemaking authority to carry out its functions. Colo. Rev. Stat. Ann. § 25-5-704. Acting pursuant to this authority, the PTSB has promulgated Rules as well as adopted the standards utilized by the American National Standards Institute (“ANSI”), which are contained in the “American National Standard for Passenger Ropeways – Aerial Tramways and Aerial Lifts, Surface Lifts, Tows, and Conveyors – Safety Requirements” ANSI B77. 3 Colo. Code Regs. § 718-1:0.1.
81. At all times material to this case, the Defendants were in violation of one or more PTSB Rules including but not limited to 4.3.2.3.3, 4.1.5, 4.3.2.3.1, 4.3.2.3.2, 4.3.2.4.2, and 4.3.2.5.3.
82. These Rules and Standards, adopted by the PTSB, were in effect at the time of Mr. Perucco’s death on March 17, 2023.

83. Defendants violated these Rules and Standards, adopted by the PTSB, in the operation, maintenance, design, and construction of the Zendo Chairlift.
84. The purpose of these and other similar Rules and Standards adopted by the PTSB is to prevent against these types of injuries and fatalities, such as those suffered by Mr. Perucco.
85. Defendants' violations of these provisions of the PTSB constitute negligence and/or negligence *per se*.
86. Defendants' violations of the Rules and Standards adopted by the PTSB were a direct and proximate cause of Mr. Perucco's death.
87. As a direct and proximate result of Defendants' violation of these Rules and Standards, Ms. Sanko-Perucco has sustained damages and losses as indicated above.

**SECOND CLAIM FOR RELIEF**  
*Gross Negligence*

88. Plaintiff incorporates all the paragraphs in this Complaint by reference.
89. Defendants had a duty to appropriately operate, design, construct, maintain, and inspect the Zendo Chairlift.
90. Defendants consciously and recklessly disregarded the safety of Mr. Perucco when they engaged in the following willful and wanton conduct:
  - a. Failing to stop the lift when dangerous circumstances and conditions were observed or should have been observed when Defendants knew that accumulated snow and ice on the seat of the chair could cause serious harm and even death to Mr. Perucco.
  - b. Failing to prevent Mr. Perucco from embarking on chair #59 while dangerous circumstances and conditions were present on the seat when Defendants knew

that accumulated snow and ice on the seat of the chair could cause serious harm and even death to Mr. Perucco.

c. Failing to clear the dangerous conditions and circumstances from chair #59 before permitting Mr. Perucco to embark when Defendants knew that accumulated snow and ice on the seat of the chair could cause serious harm and even death to Mr. Perucco.

91. Defendants knew these acts and failures to act were dangerous, done heedlessly and recklessly, without regard to the consequences or of the rights and safety of others – particularly Mr. Perucco – and that the acts and failures to act posed a strong probability of injury or death to Mr. Perucco.

92. As a direct and proximate result of the gross negligence of Defendants, Ms. Sanko-Perucco has sustained damages and losses as indicated above.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff Victoria Sanko-Perucco, as spouse of John Perucco, her late husband, in her individual capacity, respectfully requests that the Court enter judgment in her favor and against Defendants and award her damages for the wrongful death of Mr. Perucco pursuant to C.R.S. § 13-21-201, et. seq. including, but not limited to, the following:

- a. Economic damages in an amount to be determined at trial for medical expenses, loss of financial support, loss of home services, funeral and burial expenses, and other economic losses; and
- b. Non-economic damages in an amount to be determined at trial for grief, loss of companionship and consortium, pain and suffering, loss of enjoyment of life, and emotional distress; and

- c. All pre- and post-judgment interest recoverable under Colorado law; and
- d. Costs, including expert witness fees; and
- e. Award such other and further relief to Ms. Sanko-Perucco and against Defendants as determined just by the Court.

**PLAINTIFF DEMANDS TRIAL BY JURY IN THIS ACTION.**

DATED: March 14, 2025

KALAMAYA | GOSCHA

/s/ Georgina Melbye  
Georgina Melbye, #47847  
Cal Frauenfelder, # 58477

RAMOS LAW

/s/ S. Paige Singleton  
S. Paige Singleton, #49011