

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

J.T., Jr., a minor who sues by and through)
SUSAN THODE, his mother and next of)
friend,)
Plaintiff,)

v.)

CIVIL ACTION NO. 2:09cv643-WHA-TFM
(WO)

MONSTER MOUNTAIN, LLC, D/B/A)
MONSTER MOUNTAIN MX PARK;)
DOUBLE AA ENTERPRISES, LLC;)
PRECISION CYCLES, LLC, D/B/A)
TRACK SIDE PERFORMANCE PRO)
SHOP; WILLIAM ANDERSON, III;)
and MILAN HARRIS,)
Defendants.)

ORDER

This cause is before the court on the Defendant’s Motion for Reconsideration (Doc. #104). The court has considered all of the evidence pointed to by the Defendants. Contrary to the Defendants’ evidence, the Plaintiff has presented evidence that there was no instruction that the track was closed when fees were paid on the day in question, that the Defendants were aware that additional grooming would be completed, and that the Plaintiff was seen on the track by the driver of the tractor prior to the accident, among other facts. Viewing the evidence in a light most favorable to the non-movant, there are questions of fact which preclude summary judgment on the wantonness claim. The Motion for Reconsideration is hereby ORDERED DENIED.

Done this 20th day of December, 2011.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE