

## 2020 MidTown Throwdown Dodgeball Tournament Waiver

### ASSUMPTION OF RISK, RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT

("Agreement") In consideration of being allowed to participate in any way in the Mid-Town Throwdown Dodgeball Tournament scheduled for January 24 and 25, 2020, at Cumberland County High School, I acknowledge, appreciate and agree that:

- General.** Risks of the MidTown Throwdown Dodgeball Tournament include, but are not limited to, injury to the head, neck or spine; injury to muscles, bones, ligaments, tendons and other connectivity tissues; injury to internal and external organs, loss of or damage to sight, hearing, or teeth; long or short-term disability; loss of income, career opportunities or the enjoyment of life and; pain, and scarring or disfigurement. The causes of possible injury are many, including but not limited to: injury from bodily contact, incidental or inherent in the nature of the activity; slipping and falling or tripping on surfaces, regardless of physical or environmental conditions; injury from warming up, practicing or training for participation; injury due to supervision or lack of supervision by Cumberland County School employees or agents including referees or officials, or to rules or regulations and instructions (or lack thereof) regarding the use of equipment or tools or to the nature of the activity itself, particularly in activities involving contact (or potential contact) with other persons, equipment or balls; or injury due to a disparity among other participants or teams with respect to experience level, strength, height, weight, age, ability, and the relative competitiveness or maturity of, between or among other participants; and malicious acts of other participants, regardless of whether Cumberland County Schools had or should have had knowledge of the likelihood of malicious acts by such participant. The risk of injury from many of the activities is significant, including the potential for permanent paralysis and death, and while particular skills, rules, equipment, and personal discipline may reduce this risk, the risk of serious injury cannot be eliminated.
- Assumption of Risk.** I KNOWINGLY AND FREELY ASSUME ALL RISKS RELATED TO OR ARISING OUT OF MidTown Throwdown Dodgeball Tournament, both known and unknown, EVEN IF ARISING OUT OF NEGLIGENCE OF THE RELEASEES (as defined in the next paragraph) or others and assume full responsibility for my participation.
- Release from Liability.** I, for myself and behalf of my heirs, assigns, personal representatives, next of kin and whomever else may have an interest either at common law or by operation of statute, HEREBY RELEASE, WAIVE, RELINQUISH, DISCHARGE AND COVENANT NOT TO SUE Cumberland County Schools nor any of either organization's officers, officials, agents, and/or employees, other participants, sponsoring agencies, sponsors, advertisers, and, if applicable, owners and lessors of premises used to conduct the MidTown Throwdown Dodgeball Tournament ("Releasees"), FROM LIABILITY FROM ANY AND ALL CLAIMS FOR ANY AND ALL INJURY, DISABILITY, DEATH, OR LOSS OR DAMAGE TO PERSON OR PROPERTY, WHETHER ARISING FROM THE NEGLIGENCE OF THE RELEASEES OR OTHERWISE, SUSTAINED AS A RESULT OF, ARISING OUT OF OR RELATED TO The MidTown Throwdown Dodgeball Tournament, to the fullest extent permitted by law.

4. **Indemnity.** I further agree to indemnify, defend, save, and hold harmless the Releasees from and against any and all claims, demands, liabilities, damages, actions, causes of action, losses, injuries, costs, or expenses, including attorneys' fees, arising out of or in any manner connected with my participation in The MidTown Throwdown Dodgeball Tournament, except to the extent caused solely by the willful misconduct of the Releasees. I acknowledge that the agreements made herein were and will continue to be material and important consideration and inducement to Cumberland County Schools admittance of me to The MidTown Throwdown Dodgeball Tournament.

5. **Representations and Warranties.**

1. I represent and warrant I am in good physical condition and able to safely participate in The MidTown Throwdown Dodgeball Tournament in which I participate.
2. I willingly agree to comply with the stated and customary terms and conditions for participation.
3. If I observe any unusual significant hazard during my presence or participation, I will remove myself from participation and bring such to the attention of the nearest official immediately.
4. I will not exceed my physical abilities during The MidTown Throwdown Dodgeball Tournament.
5. I acknowledge that Cumberland County Schools have made no recommendations or determinations as to my fitness or ability to participate in The MidTown Throwdown Dodgeball Tournament.
6. I represent and warrant that I shall periodically and as needed consult with my physician, and shall not engage in any activity which is more rigorous than that recommended by such physician.
7. I further agree that I will not use any equipment unless and until I have thoroughly familiarized myself with the correct use and operation thereof.
8. I further agree that I shall not participate in any activity if I am ill, in poor health, or have any condition which might make my participation in the activity dangerous to me or if I have reason to believe I am injured or may become injured.

6. **Severability.** I expressly agree that this Agreement is intended to be as broad and inclusive as is permitted by the law of the State of Tennessee, or Cumberland County Schools, and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

7. **Photo Release.** I further agree to allow Cumberland County Schools to use photos that may contain my face for sales, marketing, and advertising purposes.

8. **Acknowledgment of Alcohol Policy.** I further agree to refrain from bringing and/or consuming alcoholic beverages at all The MidTown Throwdown Dodgeball Tournament

9. **I HAVE READ THIS ASSUMPTION OF RISK, RELEASE OF LIABILITY AND INDEMNIFICATION AGREEMENT, FULLY UNDERSTANDING ITS TERMS, UNDERSTAND THAT I HAVE GIVEN UP SUBSTANTIAL RIGHTS BY SIGNING IT, INCLUDING THE RIGHT TO SUE, AND SIGN IT FREELY AND VOLUNTARILY AND INTEND TO COMPLETELY AND UNCONDITIONALLY RELEASE CUMBERLAND COUNTY SCHOOLS, FROM ALL LIABILITY IN CONNECTION WITH MY PARTICIPATION IN OR ATTENDANCE OF THE MIDTOWN THROWDOWN DODGEBALL TOURNAMENT.**

TEAM NAME:

Signature:  
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