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Patrice Scott-Moncrieff v. Lost Trails LLC

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 18-3003

PATRICE SCOTT-MONCRIEFF,
Appellant

v.

THE LOST TRAILS, LLC, d/b/a Lost Trails ATV Adventures; Pennsylvania
Ambulance, LLC, d/b/a Pennsylvania Ambulance

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civ. No. 3:16-cv-1105)
Magistrate Judge: Honorable Karoline Mehalchick

Submitted Under Third Circuit LAR 34.1(a)
July 8, 2019

Before: McKEE, ROTH, RENDELL, *Circuit Judges*

(Filed: August 14, 2019)

OPINION*

McKEE, *Circuit Judge*.

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Patrice Scott-Moncrieff appeals the district court’s grant of summary judgment in favor of Lost Trails in the suit she filed to recover for injuries suffered in an All-Terrain Vehicle (“ATV”) accident on property owned by Lost Trails. In the opinion filed August 29, 2018, United States Magistrate Judge Karoline Mehalchick carefully and thoroughly explained why the defendant, Lost Trails LLC, was entitled to judgment as a matter of law on the claims brought by Ms. Scott-Moncrieff.¹ We will affirm the Order granting summary judgment substantially for the reasons set forth in that opinion. We add only that, in addition to the reasons stated by the Magistrate Judge, it is uncontested that Ms. Scott-Moncrieff was an experienced professional ATV rider with 27 years of off-road ATV experience. The dangers inherent in the activity that she was engaging in were well known to her and, as the Magistrate Judge explained, the waiver of liability she had previously signed was clear and further explained the dangerous nature of that activity.²

Accordingly, we will affirm the grant of summary judgment in favor of Lost Trails.

¹ The parties consented to proceed before the Magistrate Judge.

² See *Hughes v. Seven Springs Farm, Inc.*, 762 A.2d 339, 345–46 (Pa. 2000); 42 Pa. Con. Stat. § 7102(b.3)(2) (“The doctrine of knowing voluntary assumption of risk shall apply to all actions to recover damages for negligence resulting in death or injury to person or property brought against any off-road vehicle riding area operator.”).