

March 28, 2020

Tracy Paoletta



Official statement from Tracy Paoletta regarding the Orlando Balloon Rides LLC. hot air balloon accident, at approximately 0830 on December 16. 2019.

We were the first to arrive at Orlando Balloon Rides at 5:50 am. A female in a minivan arrived shortly after 6 am. She stopped at the first building, turned on the lights, then returned to her van and drove behind the buildings. We then followed after no one else arrived by 6:15 am. Female was driving now to pavilion behind buildings, where she parked and turned on lights, and unpacked items on picnic bench. Finally other vehicles arrived. The temperature was chilly so I waited in car. My husband Paul, two Asian couples, another couple with an older gentleman and myself were all scheduled passengers for the day. Multiple crew members were filtering in at this time. Two vans arrived. No crew members discussed any risks, dangers of balloon rides, or demonstrate the proper landing position with us. All passengers were only handed paper forms and advised to read and sign. I was in car due to chilly temperatures, my husband handed me papers and told me I had to sign them when I came out of car. One of the forms was a preflight instruction, with a diagram of proper landing positioning; the other was a liability waiver. Once forms were signed and collected, we were all gathered by the vans. Terry Dillard, (our pilot) set off a mini weather balloon, and described our current weather conditions as perfect for our flight. He stated calm winds, and the direction of the wind was in the correct path for our designated flight plan for our destination that they had planned for us.

Next, we were loaded into our designated vans and set off for our take-off flight destination. During our approximately thirty (30) minute drive, Terry Dillard discussed his long flight career of over 29 years as a pilot with us. He stated that he was currently retired, *(actually stating he retired twice, and jokingly stated he advised his wife he was not returning to work after his second retirement party)*, and was currently working as a consultant for air ships. He also discussed multiple air balloon topics with us and the Orlando Balloon Rides Company van driver during our transportation such as the importance of making sure that a pilot maintained his yearly physical to maintain flight. The driver was discussing with Terry all of the locations that they previously had used were now unavailable due to new construction, making it difficult to find fields large enough to support their business. Our pilot Terry Dillard did not seem familiar with the new take-off or landing sites, he was asking a lot of questions of the driver. Next, we arrived at a large open field where multiple hot air balloons were already in the

process of inflation when we arrived. Terry Dillard advised us to remain in the van while he and the crew unpacked the balloon and prepared it for inflation (as in the pre-flight instruction form). He stated that we can exit the van but to be sure to stay back from the balloon during inflation, until called to board the basket.

One of the first paragraphs of our pre-flight instructions stated that we were to remain at least 10 feet away from the balloon during inflation. Once the balloon was unpacked and they had begun the inflation process, Terry Dillard recruited two of the Asian women in our group to assist him and the crews with holding to balloon edges while the fans were assisting with inflation. He actually encouraged the Asian men to make sure they took photos of them holding the balloon while the fans were assisting with inflation. (*See attached photo #1*). My husband and I remained more than 10 feet away during inflation as per the pre-flight instructions. While our balloon was being inflated, Terry Dillard went between the multiple balloons as they were also being inflated, not supervising the Asian women (*See attached photo*). He helped one gentleman who was in the process of obtaining his license and was a solo flight that day to obtain his pilot license in the near future. The solo flight balloon was designated as the third (3) balloon for take-off that morning. Two (2) additional balloons from another company were already present and half inflated when we arrived. All three (3) balloons took off shortly after we arrived. The other balloon in our company with the three (3) passengers took off after the solo pilot's balloon. Lastly, our balloon was inflated and we were told to quickly proceed into the basket, while the landing crew held it in place. Our balloon contained the two (2) Asian couples, my husband, myself and our pilot Terry Dillard. We took off slowly from the designated take off field as the last of five (5) balloons.

Once in the air, Terry Dillard advised us that we would be in the air for approximately 2 hours and would be landing at a location called "Green Acres." As the last balloon to take off, all of the other balloons were quite a ways ahead of us when we were first in the air (*see attached photo #2*). Shortly after takeoff, Terry advised us to squat down in the basket to ensure we knew the proper position for landing, and advised us all we were doing it correctly. Terry appeared to be in constant two-way radio communication with the other Orlando Balloon Rides pilot and the landing crew. He and the other pilot must have been discussing the destination site, when we heard Terry state, "I'll follow you." He had actually had spoken multiple times on his two-way radio during our flight, each time stating "I'll follow you." We noticed the other Orlando Balloons Ride balloon was flying higher than we were during our flight, even Terry had commented that he was flying much higher than us. Terry flew our balloon actually low most of our flight. We were even so low that Terry was able to speak to multiple homeowners on the ground when we passed over a large residential area at one point (*photos #3 & #4*). Everything seemed to be going well, Terry pointed out multiple orange groves, swamp lands then we were passing over a home with horses when he stated he had to

go higher because he didn't want to scare the horses (photo #4). All of the other balloons at this point were completely out of sight except for our other company's balloon, which was far ahead of us. Shortly after passing the horses, we noticed the other Orlando Balloon was descending, Terry grabbed his radio and communicated with the other pilot, then stated to us, that the pilot was going too high and ran out of propane and had to land prior to "Green Acres" but not to worry we had enough propane to make it to "Green Acres" where our landing crew was awaiting.

At this point, no other balloons were within our line of sight, except for our company's other balloon. As we were continuing on our flight, almost where the other balloon had landed, Terry seemed to suddenly change his mind and said "I am going to try to land to the left of the balloon." Next, Terry announced, "I'm coming in too fast for landing, I need to hit these tree tops to slow us down, get into the landing position." The next thing we knew we felt a hard whiplash-like impact, as we heard the snapping of the tree branches. Everyone in the balloon let out a loud moan, followed by even louder screams of pain from an extreme impact beneath our feet. Upon impact, it felt as though my toes were on a hard board underneath the basket when we hit the ground, causing a snapping sensation in both of my ankles followed by extreme pain, causing me to fall to the bottom of the basket. It was during this moment all I could hear were people yelling, "Get out of the basket, and get out of the basket NOW!" I was in so much pain and completely unable to bear any weight on my legs. I was so scared, because I couldn't move because of the pain, and I had no idea what was happening. Shortly after, the basket must have been secured, because everyone seemed to calm down. I unfortunately, was still unable to move or place any weight on my ankles and advised Terry Dillard at this time that I believed both of my ankles were broken and that I couldn't move. It was also around this time that I told Terry that I had broken my ankles previously and it felt the same. *(I had broken my right fibula when I was about 13 years old along with my left ankle approximately 18 years ago. I had not experienced any issues following the healing of each ankle. Since these fractures, I have had no problems walking, running, or wearing shoes of multiple heights of heels without any discomfort, nor did I suffer from any long-term swelling or pain following either of these injuries).*

Next, I asked Terry if it was "Ok" if I remained in the basket, and he said, "Yes." I remember when I was in the bottom of the basket, I kept stating, it felt like my toes were on a hard board when we landed, causing the snapping of my ankles. I remained on the basket floor for awhile then wanted to see if I could place any weight on my ankles. I was then assisted by Terry Dillard and my husband Paul to a standing position to see if I could put any weight on my ankles. I was still in too much pain and unable to put any weight on either ankle, so I asked if I could just hang over the side of the basket since the ground was wet and we were still waiting on the vans with the ground crew to arrive. It was while I was hanging over the side

of the basket that I noticed the large tree branch approximately 5-6 ft in length by 6-10 inches in diameter that was beneath the basket where I was positioned. I remained in this position until; Terry assisted me to my back so they could tip the basket over on its side. Once the basket was on its side, I was able to sit inside the basket to allow my legs to dangle, still placing no weight on my legs. Finally, after approximately 30 minutes from landing, the vans with the ground crew arrived, while I was still resting inside the basket.

After the crew unloaded from the van, Terry and my husband then assisted me out of the basket. They were assisting me to the van, when I observed the African American crew member forcibly removing the tree branch from the underside of the basket (see photo #5 of bottom of basket prior to our flight). He even jokingly commented to Terry that he could now go into the tree top trimming business. At this point I was able to put some weight on my right ankle, even though still very sore, but none on my left without extreme pain. It was at this time, my husband stated that Terry Dillard offered me emergency services which I reportedly declined. At this point, I was still in excruciating pain. I did not recall ever being offered emergency assistance, but my husband did confirm he had offered.

After I was assisted to the van, I took my boots off, to assess my ankles. My left ankle was only slightly swollen and already ecchymotic around both my ankles and heels and very tender to touch. I immediately called my daughter (*who unfortunately had recently suffered from a fractured ankle*) and told her what happened. I asked her to collect and have ready for me; her ace wrap, ice pack, crutches and walking boot and we would be picking her up shortly on our way to hospital. Next, one of the Asian couples, who appeared more concerned about my ankles than the other crew members, offered me a zip-lock bag from their backpack and filled it with ice from the champagne cooler and brought it to me. However, the van driver and Terry did check on me multiple times, and seemed very concerned. The van driver, then brought out a first aid kit, (*which did not appear to have many supplies or any ice packs in it*), but he did advise me he would get me another ice pack or zip-lock bag for my other ankle. Unfortunately, he did not return and I never received one. (*According to Insurance investigator, Mr. Gourgues, I was offered 911 assistance twice, however, I advised him I did not recall ever being offered 911, however, the van driver may have also offered 911 assistance at this point when he realized he did not have any supplies for my injuries, although again, I was in so much pain, I never recalled the offer*). However, as a healthcare provider, I most likely declined knowing there were no life-threatening injuries requiring 911 emergency assistance. I was not suffering from any acute blood loss, exposed bones, difficulty breathing or chest discomfort. I did advise Terry Dillard and the crew members that I would be seeking immediate medical attention at Celebration Hospital once we returned to our vehicles. Additionally, the insurance investigator, Mr. Gourgues stated that I was offered assessment of my injuries at a local fire station when we were in transit back to Orlando Balloon Rides facility, to which I supposedly

again declined, according to the Orlando Balloon Rides report that was submitted to him. Neither my husband nor I recall that ever being offered to me.

Upon our transit back to the facility, neither our original van driver nor Terry Dillard, were present in our van. Once we arrived back at Orlando Balloon Rides, Terry Dillard appeared at our van, he and my husband assisted me to our car. Terry Dillard then provided me with his business card and asked me to call him after I was seen at the hospital to let him know how I was doing. The initial van driver then approached my husband's window and asked for the correct spelling of our last name, stating he was going to notify their insurance carrier. They both appeared very concerned for my injuries.

We drove straight to our daughter's condo, which was on the way to Celebration Hospital, where I immediately applied the ace wrap, took over-the-counter Motrin, applied the ice pack, and placed my left foot in a walking boot to add support and utilized the crutches when we arrived, then immediately proceeded to Celebration Hospital Emergency room.

We arrived at Celebration Hospital, where I was registered and seen by their ER personnel. I underwent a nurse practitioner evaluation of my injuries. She ordered radiographic imaging of my left ankle only and diagnosed me with "bad sprain." I was instructed to rest, apply ice and compression while keeping my legs elevated as much as possible. I was also given a script for Toradol, if Motrin was ineffective over the next few days. Additionally, she advised me to follow up with my local physician if the pain continued or got worse when I returned home.

I returned to our daughter's condo, where I stayed on the couch for two days following the accident, with my legs elevated, applied ice wraps every 20 minutes, maintained compression with an ace wrap and utilized the walking boot for added support and used crutches to maintain no weight bearing due to the severe pain. After the third day following the accident, my family insisted that I join them on our vacation and rented me a wheelchair because I was still unable to ambulate on my right ankle without pain and no weight on my left leg.

On December 17th, Orlando Balloon Rides called my daughter Lauren's cell phone (*since the booking was under her contact information*), instead of mine, (*despite having all of mine and my husband contact information*) to inquire how I was doing. She advised them the hospital diagnosed me with a bad sprain to my left ankle and that I was still resting at her condo since December 16th and keeping my legs up. I had not contacted Terry Dillard, as requested, because I suspected my injuries were worse than originally thought, and I would need additional evaluation once I returned home. I made sure I kept myself non-weight bearing the remainder

of our time in Florida, utilizing crutches and wheelchairs, along with the walking boot for support, ice packs and ace wraps.

December 21st we returned home. I still was unable to bear weight without significant pain.

Thursday December 26th, despite maintaining all of the ER recommendations, I was still unable to apply any weight to my left ankle and the right ankle pain continued. Unfortunately, I had to attempt to go to work despite my pain. (*We were down 2 physicians, and I had just returned from vacation*). I decided to go to work in hopes of being evaluated by an orthopedic specialist. When I arrived at the hospital, I paged Dr. Piston for consult due to extreme pain, with a noticeable increase my left leg swelling to my thigh. Dr. Piston returned the page, and I updated him on my accident, the diagnosis of sprain and that I was still experiencing extreme pain and unable to bear any weight on left leg. He was quite concerned of a missed fracture given the high altitude fall and ordered a STAT MRI of my left ankle and an ultrasound of left leg. Later that day, Dr. Piston contacted me personally following my testing, advising me that I had a complete Talar neck fracture which was consistent with the high altitude fall that I experienced. He advised me to maintain no weight bearing on my left leg and to report to his office first thing in the am for casting. He reported the ultrasound was negative for blood clot, however, he was still very concerned given the severity of the ankle fracture, and his experience, that I could still develop a blood clot and wanted to protect me from a deep vein thrombosis or pulmonary embolism and ordered me to start anticoagulation therapy with Xarelto. Dr. Piston stated that given my extensive fracture to my left ankle and continued pain to my right ankle he wanted to order a MRI and ultrasound to my right ankle and leg to assess for any missed fractures as well.

Friday December 27th I underwent a MRI of my right ankle and ultrasound of my right leg. Dr. Piston again called me personally and advised me that the imaging showed a non-displaced partial talar neck fracture along with tibia head fracture, again consistent with high altitude force impact that I had suffered from the hard landing. He then inquired about any back pain and stated concern for possible spinal fracture from the impact's exit force and recommended I obtain a MRI of my lumbar spine.

December 31st MRI of Lumbar spine completed. Abnormalities were noted at the L5-S1 region, with some possible concerns noted in the thoracic regions that were not commented on, therefore, a MRI of my Thoracic region was ordered.

January 6th Dr. Piston office visit with PA. Imaging completed and cast changed by PA.

January 9th MRI of Thoracic was completed. No fractures or spinal stenosis was noted, however, cervical abnormality was noted, and suggested cervical MRI to evaluate.

January 17th had office visit with Dr. Piston, who personally reviewed and discussed all imaging results to date, along with current symptoms of hip, back, neck and wrist pain in addition to bilateral ankle pain. MRI of cervical and whole body bone scan ordered.

January 30th MRI of Cervical was completed.

January 31st Whole body bone scan completed.

February 12th had office visit with Dr. Piston reviewed imaging and discussed results. Cervical MRI revealed cervical spondylosis most pronounced at C5-C6, where there is a disc osteophyte complex and bilateral facet arthropathy, contributing to mild to moderate central spinal canal stenosis and moderate to severe bilateral neural foraminal narrowing. Bone scan revealed symmetric periarticular activity seen in the small joints of the wrists and hand and in both ankles. (Dr. Piston stated that my injuries to my wrists and neck were consistent with the whiplash injury from the impact with the tress, and the ankle fractures from a high altitude fall impact. I was ordered to begin 2 weeks of physical therapy.

March 2nd Office visit with PA. OK to return to work with walking boot to left, brace to right ankle with 50% weight bearing with use of cane. Permitted 4 hours of ambulation and 4 hours of paperwork.

March 16th Office visit with PA. Continued pain, MRI of ankles ordered to reassess fracture healing. Bone stimulator ordered, denied without repeat MRI imaging.

March 25th bilateral ankle MRI completed. No results to date.

April 7th Office visit with Dr. Piston. MRI reviewed. Fractures healed. No need for bone stimulator. MRI still showed extensive swelling around bones and to joints, consistent with pain. Advised to continue massage, elevation, and compression to ankles, cervical traction and stretching. Additional compression stockings higher intensity ordered. Dr. Piston advised me that I will unfortunately continue to have pain with walking for the rest of my life from these injuries.