

Monte Marenzo, 12 Agosto 2010

To whom it may concern:

With reference to what has been posted on different international forums concerning the case of a ring failure into which has been involved Mr. Butcher, the American company Sherrill and Kong spa, we want to draw the attention of all the people that has written on different forums without knowing the reality, to the following facts and to the following letter written to Mr. Butcher lawyers:

Dear Sirs,
in case of a law suit, the following things will be evidenced:

Accident

The accident happened on or about August 29th, 2009 during a tree climbing **competition**.

As anybody knows, unless specifically stated, standard equipment shall not be used in a competition, as this is not considered a normal/standard use.

In case of competition all equipment is submitted to abnormal efforts. For this reason it appears that Farmer's Insurance declined to cover Butcher's medical expenses as did Butcher's own medical provider".

The "broken" item

At the beginning it seemed that the item used during the competition was basically a rope with two rings fixed to the same by splicing (or a webbing with the 2 rings fixed by a stitching).

Sherrill is producing this item making in its premises the splicing (or the stitching).

One of these two rings failed.

The ring that failed was an **unmarked** piece.

Around the world there are many producers of these rings, many of them are coming from far east producers, so the fact that this unmarked ring was produced by Kong is not demonstrable.

In fact, Sherrill, as producer of the item apparently used during the competition, made a recall for the **unmarked rings**, substituting them with rings produced, tested, laser marked by Kong.

Latest news say that, up to a witness, it seems that the ring was not affixed to a rope or webbing as described but was used by Mr Butcher as a link directly to his harness – if so, the expensive recall made by Sherrill was unnecessary and void.

Responsibility

Even assuming that the ring was in a Kong delivery, in the "information supplied by the manufacture" printed by Kong, it is clearly written: **"....If you have any doubt do not use this item....."**

In the case that Sherrill (that in the past got similar rings from other sources than Kong), while assembling one of these rings, found one piece with **no** marking, why the piece was not rejected?? The missing of any mark is surely a **"doubt"** that would bring to the rejection of the ring.

If the unmarked ring was not even stitched or spliced by Sherrill but it was directly bought by Mr Butcher, surely there were no instructions for use. How can Mr. Butcher demonstrate that the ring is a Kong production??

Legal action

A legal action against Kong/Sherrill may obviously be carried on but the probabilities of Mr. Butcher to win the case are practically null taking in account all what above.

Transaction

Well knowing the justice system in USA and because of the good rapports with a primarily client (Sherrill), Kong Italy accepted what can be considered a "legal extortion" offering an amount of money that approximately corresponds to legal fees for defending its position, but **ALWAYS firmly DENYING** any responsibility in the event.

As a conclusion of what above, in order to put the definitive word "the end" to this history, Kong may be willing to raise the original offer to mr. Butcher of 7.000,00 USD up to a maximum of 9.000,00 USD.

Best regards,

dr. Marco Bonaiti
president
KONG spa

Please remind that KONG spa has been producing items for safety and rescue since 1830.

Kong spa is certified under ISO 9000 and all products involved in safety are tested and submitted to the rigid rules of quality control.

We do not like to be confused with other competitors that do not produced in accord with the rules and we will defend our reputation against any attack or boycotting through legal actions if necessary.

We regret very much for the accident happened to Mr. Butcher and even if WE ARE NOT RESPONSIBLE FOR IT, we preferred to support mr. Butcher for the insurance declination instead of making lawyers more rich defending a principle.

dr. Marco Bonaiti
president
KONG spa

A handwritten signature in black ink, appearing to read "dr. Bonaiti", written in a cursive style.