



**Athlete Waiver, Release and Permission for Photo Use**

I hereby acknowledge and agree that participation in and around the batting cages and practice fields utilized by **Positive Movement Baseball** has inherent risks. In consideration of the services provided by **Positive Movement Baseball** (*Brandon L. Mehling and Brent D. Mehling*) and all persons acting in any capacity on their behalf (hereinafter referred to as **Positive Movement**, I now agree and certify as follows:

1. I acknowledge and fully understand that I, \_\_\_\_\_, the participant (if participant is 18 years or older) or parent/legal guardian of the above listed minor participant, will be engaging in activities that may involve risk of serious injury which might result not only from my own actions, inactions, or negligence, but from the actions, inactions, or negligence of others or the conditions of the premises or of any equipment used. Further, that there may be other risks not known or not reasonably foreseeable at this time. That baseball practice and related baseball activities are activities which are inherently hazardous to individuals regardless of all feasible safety measures which can be taken. These hazards include, but are not limited to: nature of the activity; my own physical condition, acts or omissions; latent or apparent defects of conditions in equipment or property supplied and used by Positive Movement and accidents connection with their use; inconsistent playing surface, which is subject to availability and uneven terrain under normal use; first aid emergency treatment or other services.
2. I expressly agree to assume the risk of any injury or property damage which results from my participation in this activity. My participation in this activity is purely voluntary and I elect, in spite of the risks, to participate. I assume all the foregoing risks and accept personal responsibility for the damages following such injury.
3. I acknowledge and certify that I am at least 18 years old, or the parent or legal guardian of the participant under 18, and I hereby provide *Positive Movement* permission to administer First Aid and I authorize its agents or employees to contact 911 or other emergency personnel as needed.
4. I hereby certify I have been given the **Rules and Regulations** for batting cage use and will adhere to them. I understand that I have a duty to act as would a reasonably prudent person when engaging in related activities at the batting cages and practice fields. I have had the full opportunity to ask any questions I may have regarding the safe use of equipment, facilities and services and agree at all times to request and receive sufficient training and instructions to permit safe play before proceeding with any activity with which I am not familiar or sufficiently trained. I agree that I will not engage in any harmful conduct or activity and will not negligently or willfully engage in any type of conduct which contributes to or causes injury to any person within and surrounding the batting cages and practice fields.
5. On behalf of myself, my children, my parents, my heirs, assigns, personal representative, I hereby voluntarily release, waive, forever discharge, and agree to indemnify and hold harmless *Positive Movement* and each of their respective commissioner, directors, agents, and other employees, its parent, subsidiaries, affiliate, employees, distributors and agents, other participants, and if applicable operator or lessors of premises used to conduct the event/activity, from any and all liability for any and all claims, demands of causes of action which are in any way connected with my participation in this activity or my use of *Positive Movement* equipment or facilities.
6. I hereby certify that I have adequate insurance to cover any injury or damage I may cause or suffer while participating in these activities or alternative, I agree to bear the costs of such injury or damage myself. I further certify that I have no medical or physical conditions which could interfere with my safety in this activity, or else I am willing to assume and bear the costs of all risks that may be created, directly or indirectly, by any such condition.
7. I hereby authorize **Positive Movement Baseball** the irrevocable right to use photographs and or videos for educational and/or promotional purposes in all forms of media, including a website, and I understand that I or my child will not be paid nor compensated for providing this authorization.

By signing this document, I acknowledge that if anyone is hurt, or property is damaged during participation in this activity, a court of law may find me to have waived my right to maintain a lawsuit against **Positive Movement Baseball**, and each of the parties listed in Paragraph 5 above on the basis of any claim from which I have released them herein.

**I HAVE READ THIS ENTIRE AGREEMENT, UNDERSTAND THE SAME, AND I AGREE TO BE BOUND BY ITS TERMS.**

PLAYER NAME (print): \_\_\_\_\_ PARENT(S) NAME: \_\_\_\_\_

SIGNATURES: Player: \_\_\_\_\_ Parent(s) \_\_\_\_\_ Date: \_\_\_\_\_



## RULES AND REGULATIONS

1. A waiver must be signed before use of any of the equipment by any user other than Positive Movement employees (Parent/guardian must sign for any minors).
2. Batters must wear batting helmets when deemed appropriate by the instructor.
3. Misconduct in and around the batting cages will result in immediate termination of privileges.
4. All equipment must be picked up and returned to their proper place after use.
5. Appropriate closed-toe shoes must be worn to each session (NO CLEATS)
6. BE ALERT at all times when you are not in session. Other participants may be in session and batting/pitching.
7. Spectators and those not batting are to stand outside the netted area.
8. Anyone under the age of 16 years old must have adult supervision on site.
9. CAUTION! Injuries could result from inattention and improper use of equipment. Users should assume the inherent risk of batting baseballs and softballs. If users have any questions about the use of equipment, ask the instructor before starting your session.