Downtown Ice
WAIVER AND RELEASE

NAME OF USER: _____

IF USER IS UNDER 18, NAME OF PARENT or GUARDIAN: _____

The User agrees to comply with all posted rules and regulations relating to the use of Downtown Ice ice skating facility ("Rink") and to obey all instructions of Rink personnel. If the User is under the age of 18, the parent or guardian of User agrees to assume all responsibility for causing the User to comply with such rules, regulations and instructions.

The User (or, if the user is under the age of 18, the parent or guardian of the User) agrees that the User's use of the Rink involves risk of injury. The User (or, if the User is under the age of 18, the parent or guardian of the User) agrees to ASSUME ALL RISK OF INJURY that may be sustained by the User or by others that may result from the User's use of the Rink, and further agrees to ASSUME ALL RISK OF DAMAGE TO PERSONAL PROPERTY owned by the User or by others, that may result from the User's use of the Rink.

The User (or, if the user is under the age of 18, the parent or guardian of the User) also agrees to WAIVE any and all claims, causes of action, damages, proceedings and lawsuits against the San Jose Downtown Association, " Downtown Ice", City of San Jose, Redevelopment Agency of the City of San Jose, F.C. Fairmont, SPE, L.L.C, Forest City Commercial Management, Inc., and Forest City Enterprises, its subsidiaries and affiliates (all of whom are collectively referred to herein as "Indemnitees"), and to fully RELEASE and INDEMNIFY and HOLD HARMLESS the Indemnitees from any and all damages, losses, claims, causes of action, suits, judgments and any other liabilities whatsoever resulting from or relating to the User's use of the Rink or resulting from or relating to any injury sustained by the User or by others or any damage to personal property owned by the User or by others.

Any controversy or claim arising out of or relating to User's use of the Rink, or arising out of this Waiver and Release, shall be settled by arbitration in Santa Clara County, California, administered by the American Arbitration Association in accordance with its Commercial Arbitration Rules, and judgement on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

DATED: _____

User's SIGNATURE: _____
(If the User is under the age of 18, the User's parent or guardian must sign this Waiver and Release)

PARENT/GUARDIAN SIGNATURE: _____

User's Zip Code: _____

(for ice rink staff) PARENT/GUARDIAN's Proof of Age Shown (Driver's License/ other I.D.) : YES NO