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# Parents of 5-year-old killed at racetrack file wrongful death lawsuit

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July 19, 2008 12:14 PM

David Allen

Cody Fidler always loved watching motorcycles on television. But he only had a few years to enjoy the sport in real life.

On March 10, 2007, Cody, 5, was killed on a dirt racetrack in Belwood, crushed by another cycle.

More than a year later, the struggle continues for Cody's parents, Wade and Michelle, according to information from their attorney. Now their fight to keep peace-of-mind and racing safe for families is about to change venues.

The two recently filed a wrongful death lawsuit in the Superior Court of Mecklenburg County against officials associated with the now-closed Parker Valley Motorcross Track, according to a release by attorney Mike Workman.

"You cannot put into words the pain that comes," Michelle said in a written statement. "You never expect to bury your 5-year-old son. So many times I'd go in his room and hope his sweet little face would pop up. I miss him so much."

Those being sued include promoter Joseph D. Williams and his companies, JMX Racing LLC and JMX Racing Promotions Inc., and track property owners, Charles Parker and wife, Juanita.

The lawsuit claims the track violated its own rules, allowing a 10-year-old boy, operating a larger motorcycle, on the track at the same time with Cody.

A police investigation of the incident determined Cody's death to be a "tragic accident," Cleveland County Sheriff's Office Chief Deputy Danny Gordon said in 2007.

Attempts to reach track representatives were unsuccessful Friday.

Though Cody had been riding mini-bikes at home since age 3, the Saturday in March was his first time to participate in an organized motocross practice.

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**blackops** wrote:

If Wade and Michelle win this suit, we should all sue them for child abuse, for allowing (forcing?) their kid to participate.  
7/21/2008 5:55 AM EDT

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**tstocker** wrote:

As one who lost a young child (age 7) who was crushed by an automobile, I know the worst pain a parent can suffer on this earth, but I don't agree with this lawsuit in any way shape or form. The only ones negligent in this case seem to be the parents for allowing such a young child to be "racing" with older children. The day will come when you will get an offer of settlement and if things have not changed much you will find the insurance companies do not value young life very highly. We sued the driver of the vehicle who was clearly at fault and finally were told by our lawyer that our son's life was worth about \$12,000 minus the funeral expenses. I personally don't see how any amount of money can ever compensate for the loss of that very special life.  
7/20/2008 1:11 PM EDT

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**saffronica** wrote:

I'm sorry, but where is the personal responsibility? You put your child in harms way but blame others when it all goes wrong? I simply don't get it.  
7/20/2008 12:27 PM EDT

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