

MEDIATE THIS !

AT ODDS WITH THE NOT-SO-AMUSING AMUSEMENT PARK

BY STEVEN P. DINKIN

Dear Mediator,

I recently purchased a season-long pass to a major theme park and opted to pay in installments to spread out the financial impact.

Unfortunately, a few days after this purchase, my company closed its doors without any prior warning and I lost my job.

My first payment has already been deducted, and I was told that the pass has a strict “no cancellations” policy.

I haven’t even used the pass once and cannot afford these payments to continue.

What can I do?

Worried in Bay Park

Dear Worried,

Murphy’s law never misses a chance to rear its head, consistently demonstrating that things can and will go wrong when we least expect it.

Never does this expression seem to apply more readily than with financial obligations.

Just when we think we have it all figured out, life can take us on a ride much less thrilling than an amusement park attraction.

Acquiring a theme park pass often requires the purchaser to agree to an extremely complex

and finely printed contract, outlining anything and everything related to your transaction.

It is indeed very common for these contracts to contain a “no cancellation” policy.

While it may seem as though you are paying as you go, in all likelihood, you may have already purchased your pass in its entirety.

You are essentially paying off a “loan” that the theme park gave you to receive your pass, which is why you are able to use it while making payments, very similar to making payments on a car while you are driving it.

When viewed from this perspective, the theme park considers your pass as purchased outright, whether you have used it or not.

Circumventing this policy would be no small feat. You signed a contract and are now asking to invalidate that contract.

The legal costs of doing this could far exceed what you paid for the pass, and in actuality, you may not be successful in your pursuit.

A much better approach would be to explain your situation to a customer service representative at the theme park, appealing to his or her empathetic side.

It seems as though you had every intention of paying for your



GETTY IMAGES

Today’s question deals with the purchase of an annual pass to a nearby amusement park and its no-cancellation policy.

pass in full but were struck with an unfortunate circumstance that affected you financially.

Explain this to the customer service representative instead of merely saying that you want to cancel your pass without any added context.

During your initial phone call,

you’ll want to make sure you talk to someone who has the authority to make decisions and can give you a guarantee that your payments will stop.

As with all customer service interactions, civility and authenticity will always get you more than anger and frustration. Aim

to keep a cool head, and do not be discouraged at an initial lack of progress.

Before contacting the theme park, you may want to scan the fine print of your contract to see if there is anything within it that you may be able to use to your advantage, such as language regarding financial insolvency or life events.

It may be worth contacting a legal aid agency in your area to provide a pro bono attorney to help you look at this language, since some of it may be confusing.

Working through the bureaucracy of giant companies, such as a theme-park operator, can feel like a true David and Goliath-sized challenge, but do not forget that you possess the ever-powerful tool of civility.

As the English aristocrat Lady Mary Wortley Montagu so eloquently stated, “Civility costs nothing and buys everything.”

Steven P. Dinkin is a professional mediator who has served as president of the San Diego-based National Conflict Resolution Center since 2003. Do you have a conflict that needs a resolution? Share your story with The Mediator via email at mediatethis@ncrconline.com or as an online submission by visiting ncrconline.com/MediateThis. All submissions will be kept anonymous.

NOTEBOOKS

From Union-Tribune reporting staff

OUTDOORS: ERNIE COWAN

Sierra gratifying regardless of reason

The tiny artificial fly landed on the surface of the gin-clear High Sierra lake, creating ripples that expanded in perfect circles until vanishing.

How tranquil and Zen-like until the moment was broken by the explosive strike of a colorful brook trout.

My heart jumped as I connected with this wild thing of beauty. I quickly reeled him in, removed the barbless hook and returned him safely to his home.

Now that winter has started to loosen its tight grip on the Eastern Sierra, I find my mind wandering to scenes like this.

There was a time when my Sierra visits were only about catching fish. There was always a friendly competition to see who could catch the most or the biggest.

Not anymore. It’s been years since I’ve even kept anything I caught. I still fish when I visit the high country, but more for the outdoor experience, as another way to connect with the wild and for something to do while wandering trackless meadows or following cold mountain streams.

The hot days here this week have stirred that calling to the majesty of the mountains. As I’ve aged, the mountains seem to have gotten higher and steeper and the air thinner.

It takes me longer to acclimate to 10,000 feet, but when I do, I feel more alive and youthful. Fortunately, the mind retains some of the wisdom of aging.

Also gone is the desire to carry a load of fishing gear. Now, it will be a single fly rod and a small box of flies. My daypack is filled with good food and drink instead of a ton of bait jars, hooks, sinkers and line.

Yes, my hiking goals are generally the same. I want to get away from campgrounds and pavement into the remote wild places where nature is still in charge.

But sometimes an objective becomes an obsession. “I have to get there.” The obsession becomes consuming and you miss so much as you drive yourself to reach an arbitrary goal.

That obsession can be interrupted when you take time to make a few casts at a small lake or dip the frothy creek water as it tumbles over rocks into a deep pool.

The fishing eventually becomes mindless while you drink in the beauty, the sound of flowing water, the smell of aspens or pines and fresh air, billowing clouds growing in the distance, or gasping while an eagle



ERNIE COWAN

A wild Sierra lake enjoyed alone after hiking up following a stream.

snatches a trout from the lake right in front of you. You don’t have to be very far from pavement to enjoy this all by yourself.

While pausing for lunch at a remote lake, I have enjoyed a visit from a curious marmot who just had to know what was inside my pack. At another stream pool I had a doe and her two fawns walk within a few feet of me as I continued to cast into the creek.

I don’t want to minimize the fishing, but it is no longer my main reason to be in the high country.

There is intense pleasure in selecting the right fly, which can be almost anything in the waters that rarely see anglers, and then casting that fly out and watching colorful rainbows, brookies or even golden trout at higher elevations shoot up from the depths for the grab. Until you have seen for real the brilliant colors of a spawning brook trout, or the intricate beauty of a native golden, you just can’t fully appreciate nature’s creations.

When fishing becomes autopilot, you have time to enjoy the world around you and renew your soul. A little tug on the end of the fly line goes a long way, too.

Canyon hike

The San Dieguito River Valley Conservancy is hosting a free “Leave No Trace” hike June 22 through the biodiverse Gonzales Canyon Trail east of Del Mar Heights.

The 1.5-mile hike starts at 9 a.m.

Participants should meet at the trailhead, at Sword Way and Winstanley Way in the North City area of San Diego.

For additional information, visit the events page at sdrvc.org

Email ernie@packtrain.com

THE READERS’ REPRESENTATIVE: ADRIAN VORE

What ‘news’ is fit to cover, publish?

Throughout every day reporters and editors have to decide what to cover and what to publish online and in print. Some decisions are easy. Coverage of the verdict in the McStay murder trial was lined up ahead of Monday’s announcement, and the news had already been anticipated for front-page play.

Other stories will be discussed, weighed and in some cases reconsidered for coverage and where they will be played on the Union-Tribune website or in print.

One story last week — a polar bear killing a duck at the zoo — brought up the question, what is news? The answer is not as easy as seems. Try it in one sentence.

Here’s mine, and I probably could keep working it: Something that occurred or is occurring that is interesting, different and/or affects people.

From Mark Platte, U-T enterprise editor: “News can be a lot of things to a lot of people, but to me it’s noteworthy coverage that informs, interests, educates or entertains us.”

From Denise Amos, U-T watchdog editor: “News is coverage of whatever happens that affects our community and world.”

There are also a multitude of factors that could play a role in news being covered in the first place and then being published. The location of the news (did it happen in San Diego), the timing of it, a slow or heavy news day, if pictures or graphics go with the story, to list just a few of the variables.

Biotech writer Bradley J. Fikes also covers the zoo and its animals. A video taken by a visiting family June 5 caught an amazing sight. A duck had landed in an unfortunate spot — the polar bear enclosure. The video shows the duck swimming and a polar bear approaching it from underwater. With stunning quickness, the polar bear chomped on the duck, and then proceeded to eat it.

The McBride family, from Newman in the Central Valley, eventually posted the video on YouTube. By Tuesday it was gaining media attention and had been viewed more than 200,000 times.

Fikes’ editor, Diana McCabe, wondered if the video should be posted on the U-T’s website. Was it too grisly? Was it news? She had asked the family for permission to use the video before debating the questions. They consented, and McCabe, after gathering a few thoughts from other editors on the video’s newsworthiness, decided to post it. The death was not horrendously graphic, it

happened locally, and the video had attracted a lot of interest.

Fikes also wrote a story on the incident to accompany the video. That story ran in print in Thursday’s B section along with a still from the video.

One characteristic of news listed in journalism textbooks is oddity — something out of the ordinary. A polar bear hunting down a duck and eating it in front of a crowd at a zoo is certainly not an everyday occurrence. And it happened in San Diego. I’d say it’s news.

Here are two examples of stories that were news for only hyper-local news publications. The La Jolla Light, one of the U-T’s Community Press publications, posted a story June 5 with this headline: “Dog struck by car in La Jolla prompts reminder to drive safely.” (The dog lived and was recovering at home.) The headline from a story posted last week on the website of The Ramona Sentinel, another U-T community paper, read: “Tree branch blocks San Vicente Road.”

Some stories are written and then held by editors from publication so the news can be more fully reported or explained. This is what should have happened with an article on an SDSU study that appeared in some editions on B1 last Sunday.

The subject was research that focused on the stigma of homelessness. A postdoctoral research fellow and a professor included in their study photos from around San Diego. The pictures illustrated the attitude toward homelessness, the researchers said. A locked recycling bin, a sign outside a 7-Eleven that asked customers to say no to panhandlers, a list of restrictions on the beach in O.E.

I’m also the Metro B-section editor. Sunday’s Local section is produced Friday evening and must be sent to the press by the end of the night.

As I read the story last Friday night, I had trouble grasping the study’s findings. I and the story’s editor, Dana Littlefield, both agreed in hindsight that it would have been better to hold the story until the reporter could add more perspective to it.

So, what is news? Try to answer the question in one sentence. I’d be interested to read your thoughts. Send to the readers.rep@sduniontribune.com. Please include your full name and community of residence so I can share it with other readers.

FROM THE ARCHIVES

L. FRANK BAUM AT CORONADO

A century after the death of author L. Frank Baum, this summer’s San Diego County Fair, which runs through July 4, honors his most famous creation.

“The Wonderful Wizard of Oz” was published in 1900. Four years later, Baum and his wife, Maud, left their Chicago home to spend winters in Coronado, where he continued to write Oz-themed sequels and other fantastic tales for children. From 1904 to 1909, the couple was a favorite subject of the Union. Here are some excerpts from the newspaper, which was then published as The San Diego Union and Daily Bee.

From *The San Diego Union and Daily Bee*, Sunday, Feb. 7, 1904

THE CLIMATE OF CORONADO

Impressions Which It Made on One Who Writes Well of It

Hotel del Coronado, Feb. 7. — L. Frank Baum, the author of fairy tales, who with Mrs. Baum, is spending a few weeks at Coronado, was asked what he thought of the Southern California climate.

“Just as every dog, from the commonest to a thoroughbred, is liable to have a fond master,” replied Mr. Baum, “so is every section of the world liable to have its admirers. But those who do not find Coronado a paradise have doubtless brought with them the same conditions that would render heaven unpleasant to them, did they chance to gain admittance.”

While here Mr. Baum is engaged in dramatizing one of his books for stage production, to succeed his famous extravaganza, “The Wizard of Oz,” which has just closed a season of one year in New York city, without a vacant seat at a single performance. Three

“Wizard of Oz” companies are now playing throughout the country. Mr. Baum’s greatest pride, however, is in his books of fairy tales, of which he has written and published sixteen. These are known all over the world, and some of them have been published in seven foreign languages, while one book has already reached a sale of over a half million copies, a record never yet equaled by the most successful novel published.

From *The San Diego Union and Daily Bee*, Friday, Jan. 13, 1905:

GATHERED VIM IN CALIFORNIA

What the Author of the “Wizard of Oz” Says of California and Coronado Renewed Energy for a Year of Work

Hotel del Coronado, Jan. 13. — L. Frank Baum, author of those all-popular stories the “Wizard of Oz” the “Marvelous Land of Oz” and many other clever fairy tales, is again at the hotel accompanied by Mrs. Baum and their son, Kenneth. They are here for the winter, much to the delight of many

friends, who have already arrived.

It was while at the hotel that he began and completed, what, not a few consider, his very best story, the “Marvelous Land of Oz,” and it is brim full of the sunshine of California. Since he left here in April, Mr. Baum has written twenty-four short fairy stories, besides many newspaper and magazine articles, and he has two continued stories, “Queen Zixie of Ix” and a collection of “Animal Fairy Tales” running in two of the leading monthly magazines.

“Never could I have done all this any way in the world in so short a time,” said the author last evening, “if I had not gathered such a fine collection of vim out here during my last year’s visit. We toured California then had to see the state. Now we are at the place which pleased us best of all and have come to stay.”

Mr. Baum settled back in an easy chair in the sunshine, and looked in a supremely happy way at his wife and son.

From *The San Diego Union and Daily Bee*, Sunday, March 5, 1905:

SOCIAL TIMES AT HOTEL DEL CORONADO

Hotel del Coronado, March 5. — Lovely Coronado, famed beauty spot of the world, is constantly inspiring poets, artists and writers of graceful prose to give expression to the charm which fills their life while in this land of delight....

Mr. Baum has spend various seasons at the hotel, accompanied by his wife, and none are happier while at this Mecca of distinguished travelers than they.

Mr. Baum’s ode to “Coronado, Queen of Fairyland,” is not the burst of admiration accompanying a sudden love affair, but the ex-

pression, in admirably chosen words, of the devotion of years. It takes Chicagoans to appreciate the attractions and comforts of life at Coronado, as Mr. Baum once more makes evident in his verses:

CORONADO: “The Queen of Fairyland.”

Let Coronado wear her crown As Empress of the Sea: Not need she fear her earthly peer Will e’er discovered be. We revel ‘neath her tropic palms And scent her brilliant flowers And fondly greet the song-birds sweet That warble in her bowers. And every day her loveliness Shines pure, without a flaw; New charms entrance our every glance And fill our souls with awe! To South the mountains rear their crests Enveloped in a haze Of shifting blues and violet hues And rare and modest greys. To Eastward San Diego’s heights Stretch downward to the bay Which coyly laves her with the waves Where in the dolphins play. To North bold Loma’s rugged cliff Leaps out in majesty To where beside the rushing tide Her beacon light we see. The wonders of the setting sun Confront us in the West To glorify both sea and sky And fire old Ocean’s breast. And mortals whisper, wondering: “Indeed, ‘tis Fairyland! For where is joy without alloy Enchantment strange and grand.” And tired eyes grow bright again, And careworn faces smile; And dreams are sweet and moments fleet, And hearts are free from guile. So breathe fair Coronado’s brow With laurels nobly won— The nation’s pride, grim Ocean’s bride, High Priestess of the Sun!

HISTORICAL PHOTOS AND ARTICLES FROM THE SAN DIEGO UNION-TRIBUNE ARCHIVES ARE COMPILED BY MERRIE MONTEAGUDO. SEARCH THE U-T HISTORIC ARCHIVES AT NEWSLIBRARY.COM/SITES/SDUB.