



**A client sues his
mountain guide,
Garrett Madison,
after an attempt
on Mount Everest**

Story by **Paul Gains**

High Expectations

Commercial success has followed Garrett Madison through his 20 years as a mountain guide leading to what he calls a “comfortable lifestyle.” But a calamity, manufactured in a court room and not in the mountains, threatened it all.

Madison has an enviable reputation having summited Everest 11 times and taking more than 70 clients with him. What’s more, he has scaled Everest and Lhotse in the same day three times, conquered K2 three times, and has guided many others to big-mountain summits across the globe.

In March 2020 a disenchanted client sued Madison privately for \$100,000, claiming the Seattle-based guide had invented an excuse to call off an autumn 2019 Everest expedition he had paid for. Madison called it a “shakedown,” as it would be cheaper for him concede than defend himself in court. Conceding would have likely bankrupted him.

Fortunately, Madison’s lawyer, Doug Grady of Baker Hostetler, himself a former Mountain Madness guide, worked on the case pro bono.

The judge ultimately threw out that case and awarded Madison court costs. So there would be no dispute as to Madison’s victory he countersued the client, Zachary Bookman, winning a “declaratory judgment” in a King County, Washington court on Dec. 21, 2021.



The unprecedented legal case had heavily weighed on Madison for two years. Relief was evident when Madison spoke to *Gripped* from Mendoza, Argentina, following three successful back-to-back summits of Antarctica’s Mount Vinson. At the time he was preparing for another Aconcagua expedition.

“Oh man, I was stressed,” he sighs. “Look, I am just a mountain guide and expedition leader who went off and started my own company eight years ago. I have been guiding for over 20 years now.

“I am not a wealthy person, and when this client of mine, Mr. Bookman, who is the founder of a Silicon Valley tech company, reportedly worth hundreds of millions of dollars, when he is threatening me and saying he is going to bad mouth me and come after me, this is not a situation anyone wants to be in.”

Bookman joined Madison Mountaineering’s 2019 autumn expedition at a time of year when there are fewer teams on the mountain. It was post-monsoon season. Conditions were exceptionally precarious. Also with Madison on that expedition were Mountain Hardwear president, Joe Vernachio and Tim Emmett, a Squamish, B.C., resident and Mountain Hardwear athlete.

The Khumba Valley above basecamp was lined with seracs, a fairly typical sight, but one described as being the size of a 15-storey building gravely concerned all the expedition leaders. Andrzej Bargiel of K2 skiing fame sent up a drone and shared the disturbing footage with the others.

Eventually all the teams left. Bookman asked for a refund, but Madison explained that there were upfront costs that made that impossible—Sherpas, permits, oxygen, food, equipment. Besides, the “no refund” policy was clearly noted in contracts. The client claimed Madison had offered him a partial refund something Madison denies.

While Bookman returned home to San Francisco Madison remained at basecamp another week in case the serac broke away and the expedition could be salvaged. When that didn’t happen, he pulled the plug.

“When you have been in the industry as long as I have people die, they don’t come home.” Madison solemnly states. “So, safety is the number one priority, the summit is number two. Then having fun. If we don’t reach the summit, we can still have a great successful experience.”

Madison’s comes by his caution honestly, having experienced several major catastrophes in the mountains. The first was on a 2012 fall trip to Manaslu when an avalanche struck.

“We were in camp two, and a big avalanche wiped out camp three. Some of the wind hit us but we were OK,” he recalls quietly. “We got up and made our way top to where camp three had been and started digging bodies out. We did find some people alive but I think a dozen or so people were killed in that avalanche.”

Two years later, and on his first Everest expedition, 16 Sherpas were killed when an ice avalanche caught them unaware. Many were friends of Madison’s. Three were in his team. Still, he returned to Everest the following year, intent on overcoming the emotional impact and conquering the mountain. Tragedy struck yet again.

“We picked out a new route, which we thought was safer,” he explains. “On April 25, 2015, when we were almost up to camp two the Nepal earthquake occurred which killed 9,000 people in the country. We were safe at camp two but an avalanche came down behind Everest base camp and the wind blast from that killed 22 people in basecamp. One of them was on my team—someone who was very close to me.”

Marisa Eva Girawong served as basecamp doctor. She was yet another close friend who had fallen victim to the mountains and he admits her loss gave him temporary pause. Death is ubiquitous he accepts. The mountains, for all their attraction, must be respected.

“Every season on Everest we come across people who have just recently perished high on the mountain,” he continues. “Every year,



when we are going for the summit, we see at least one person who didn't make it down because they ran out of oxygen, or they got cold or didn't have anybody with them, or because they were exhausted."

The serac remained in place so Madison shipped Bookman's gear to him from basecamp and then returned home to Seattle.

Like virtually everyone at basecamp, Tim Emmett had been looking forward to a summit push. It was his first time on Everest. But as disappointed as he was, he completely agreed with the decision to terminate the expedition.

"There is a very specific reason why the trip was called off, and it was because of the serac that we saw, looming, hanging over the side," says the affable Briton. "It looked like it could come away at any time. It looked totally different to all the other seracs up the valley."

"The Polish team took some drone footage of it. That night I didn't sleep at all. I got up in the morning and I said 'hey guys, this isn't cool. Let's sit down and have a chat.'"

Emmett whose base-jumping escapades underscore he is not easily frightened was concerned not only for the safety of the climbers but for the Sherpas whose task would be to forge ahead fixing ropes and setting up camps.

"We were not prepared to expose the Sherpas to that level of risk," Emmett says. "You have people's lives here and they have got families. It's not just about getting to the summit of Everest."

The news of the lawsuit came as a total surprise to Emmett. At first, he says he thought it was a joke. Eventually he saw it as an aggression that could impact the future of mountain guiding.

"I couldn't believe that somebody would sue a mountain guide for making a good decision," he says. "What that really showed was the lack of awareness and understanding by the client to the situation we were in. And, that money can't buy you success in the climbing world."

It is a familiar refrain heard from experienced climbers such as Conrad Anker, who was in touch with his friends during that expedition.



"It was the state of the icefall that scared everyone away," Anker recalls. "That was the turning point for the team. I think [Madison] made the right decision. Nobody got anywhere that year.

"Sometimes on a trip where you are paying \$50 or \$60,000—I don't know what the price was—sometimes you might feel you want your money back. But if you are a climber, you know the summit is a gift; it's never a given.

"Had [Madison] lost? It almost would have meant anyone who thought they weren't getting a good shake could say, 'OK, I have spent this kind of money, I am going to seek recourse and launch legal action.' It wouldn't set a good precedent."

Madison, now 43, has spent most of his life in the mountains. Together with his father, he climbed Mount Rainier for the first time while he was in high school. That experience inspired him to become an apprentice guide with Rainier Mountaineering Inc. during his college days, though he never expected he would do it professionally.

Between commercial expeditions he still enjoys climbing with friends in the Sierras. And, an autumn 2022 trip looms to an unclimbed, 6,000-metre peak in Nepal, the location of which he will not divulge. That's because he once posted plans for a similar expedition only to find other climbers raced him to it.

"We have to find a peak that's unclimbed on the list of unclimbed peaks in the Nepal government office and we have to figure out 'OK, how do we get in there and how we make an attempt to climb it,'" he eagerly explains. "So that's really fun being an explorer, being the first person to set foot on a virgin mountain."

A year ago, following a Mount Vinson expedition he stayed behind to climb Mount Tyree, Antarctica's second-highest peak, with Anker, Jimmy Chin and skiers Hilary Nelson and Jim Morrison. The 59-year-old Anker, whom Madison refers to as "the undisputed team leader," remembers that trip well and compliments his younger friend on his attitude and professionalism.

"When we were on Vinson, we had to sit out five days in a storm," Anker reveals. "On Tyree there were six of us and everything worked out well."

"Garrett is one of the most calm and non-judgmental people that I know. He's generally a good guy to be with. Some of the other established Everest guides—I am not going to name names—have a reputation for being ornery, being bossy, running their crew by saying, 'Try harder,' while Garrett is more, 'I think you can do it' or 'We got this.' He's more supportive."

This calm nature spills over into his relationships with people and with the environment. While Everest expeditions have come under fire for a negative environmental impact Madison has partnered with the U.S. non-profit agency, Leave No Trace and follows their guidelines. In fact, teams on Everest must provide a \$4,000 deposit to the Nepalese government which is only returned once they have packed out their garbage.

"We hire enough staff Sherpas to carry down all our used oxygen cylinders, tents, food waste and human waste at the end of our expedition," Madison reveals. "That costs a lot of money for all that manpower. Some teams don't do that. It's cheaper for them to abandon their camps on the mountain and let the winds blow them away."

The Nepal government, he insists, must police Everest. Twice a year, he returns with clients. It is his favourite mountain despite the twin controversies of garbage and overcrowding. Of course, he has seen the viral photo taken by Nimsdai Purja of the hundreds queuing up to summit Everest in May 2019. That, he says, was down to a narrow two-day window in which to go for the summit.

"It was a mess," he admits. "The rope fixing took a lot longer than

usual because of bad weather. So, a lot of climbers, probably the majority, decided to go for the summit on May 22. That was the day Nimsdai took that photo.

"Imagine having 200 climbers going for the summit on a one-way street, and 100 of them reach the top and are now coming down but there's still a hundred coming up."

Madison's team summited on May 23 to avoid the crowd.

These days he spends up to 10 months a year on mountains and admits it's a rugged pace he's keeping. How much longer he will continue remains a question though he looks to Conrad Anker's longevity for inspiration. The energy-sucking legal battle lingers in his mind and it has altered the way Madison Mountaineering reviews potential clients.

"With any prospective clients that want to go on our trips," he claims, "not only do we go through their climbing résumé with them to see if they have the appropriate experience but now we actually check their references. We also make sure there are no red flags and nobody says, 'Oh, gosh, that individual was a real difficult individual on our expedition.'"

Madison's career and his enviable lifestyle might have been threatened by the lawsuit, but he is coming to terms with what his victory means to the industry.

"The more important precedent is set," he asserts, "and that is that mountain guides, Sherpas and expedition leaders can make the decision for the group—which is what they are paid to do—whether or not it is safe to go up and down the mountain. That is in everybody's interest."

Paul Gains is a Canadian outdoor journalist.



