

YOU AND THE LAW

Who's Liable for Injuries at a Sports Facility?

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Going to a sports game should be a fun and enjoyable experience. Unfortunately, if proper safety measures are not followed, fans can sometimes leave a stadium or arena with completely preventable accident-related injuries. If you were hurt while attending a sporting event, it is important to understand your legal options. In the event that another party was responsible for your injuries, you may be entitled to recover your economic and noneconomic damages by filing a personal injury action.

Sports Facility Owner Liability

Under a state's premises liability laws, stadium owners have a duty to ensure stadium grounds are kept in a reasonably safe condition. This means that an owner or another responsible party can be held liable for failure to remedy property hazards they knew about or should have known about in a timely manner. For instance, a sports facility owner may be accountable for injuries to a spectator as a result of any the following:

- slip and fall accidents on unmarked wet surfaces,
- broken seating,

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- escalator and elevator malfunctions,
- defective handrails,
- lack of proper safety railings,
- falls from balconies or elevated heights,
- inadequate security,
- lack of proper crowd control,
- broken steps,
- inadequate lighting,
- negligent security,
- inadequate safety netting,
- overserving alcohol to visibly intoxicated patrons,
- physical assaults and fan violence,
- parking lot (surface lots and garage) and pedestrians injuries,
- food poisoning,
- stairwell incidents, and
- additionally, creating a dangerous condition that causes the injury and failing to remedy it or warn about it.

The “Baseball Rule”

In limited circumstances, a stadium owner might also be legally liable for a spectator’s injuries under the “baseball rule¹.” This doctrine states that a stadium owner may have a duty to exercise reasonable care and protect those who sit in high-risk areas of an arena from being injured. For instance, a net may be required to catch foul balls in the seating area behind home plate at a baseball game. However, the duty may be limited in a low-risk area of the stadium

¹ The baseball rule stems from the assumption of risk defense available to defendants in personal injury tort claims. The baseball rule only requires that stadium owners owe spectators a limited duty of providing screened seats for as many fans as can reasonably be expected to desire them. While this rule is similar to the assumption of risk defense, and even though courts have allowed stadium owners to claim this defense alongside the baseball rule in the past, the two rules are very different. While the defense of assumption of risk only applies to the behavior of the plaintiff, the baseball rule only requires the stadium owners to provide sufficient netting to protect individuals from stray balls or debris. In addition, under the baseball rule, the responsibility for avoiding any harm from foul balls and shattered bats falls to each fan. Naturally, this can be problematic when foul balls or shards of baseball bats fly at high speeds towards spectators.

While the baseball rule is generally a court rule, several states have adopted the baseball rule in statutory form, including Arizona, Colorado, New Jersey, and Illinois.

because fans generally assume the risk of the inherent dangers of attending a sporting event.

Recoverable Damages in a Sports Facility Accident

Injuries incurred at a sporting event can range in severity on the basis of the type of accident. In severe cases, such as those involving a traumatic brain injury or paralysis, a sporting event injury may cause permanent disability and require lifelong medical treatment. A victim of a sports facility accident may be entitled to a wide variety of damages in a personal injury lawsuit if they can establish that someone else's negligence is to blame for their injuries. In such cases, a victim may be eligible to recover both their economic damages and their noneconomic damages.

Economic damages are meant to cover unreimbursed medical expenses, lost wages, future lost earnings, and out-of-pocket expenses connected with the accident. Noneconomic damages are more difficult to quantify and are not pecuniary in nature, for example, damages in connection with pain and suffering, loss of enjoyment of life, loss of consortium, and other nonmonetary damages.

Slip and Falls at a Sports Facility

To win a premises liability case against the owner of a sports facility, you must be able to prove the stadium owner was negligent (i.e., the owner did something wrong). Simply because you slipped and fell does not mean that the owner was negligent. Further, simply because the floor was slippery does not mean the owner was negligent. The floor had to have been unreasonably slippery. Then, to prove the stadium owner was negligent, you must prove the owner knew or should reasonably have known the floor was unreasonably slippery and they failed to take steps to fix the problem.

Proving Negligence of a Sports Facility Owner in a Slip and Fall Case

A not uncommon example of a slippery condition at a sports facility is a wet floor in a bathroom. Everyone who has ever been to a stadium has probably seen a soaking wet bathroom floor at least once. Wet bathroom floors can be slippery and hazardous, and fans have fallen in stadium bathrooms. But not all slippery conditions in stadium bathrooms involve negligence.

For example, if someone drops a big cup of water (or even two cups) on the floor, and you slip on the water two minutes later, the stadium owner would probably prevail in a lawsuit. There is no negligence in this situation for two reasons: (1) because one or two cups full of water on the floor is probably not an unreasonably slippery condition, and (2) even if it was an unreasonably slippery condition, the stadium owner had no reasonable opportunity to learn about the condition and clean it up in those two minutes.

Here is an example in which a slippery bathroom floor would be a negligent condition. The bathroom floor has two inches of water on it because drunken fans constantly put paper towels in the sinks and leave the water running so that all the sinks overflow onto the floor, and this happens game after game. In this type of situation, the stadium owner has reasonable notice the bathroom floors are constantly slippery. In this situation, a person who slips on the bathroom floor can make a reasonable argument that the stadium owner knew or should have known the bathroom floors were always slippery and that the owner should have done something about it.

Injuries That Occur When a Fan Is Hit by a Ball or Puck

Another not uncommon occurrence at a baseball stadium or hockey arena is a fan getting hit by a ball or puck, and some of these injuries can be severe. What are the fan's legal rights? If you turn over your ticket to the sports event, you will see a paragraph or two of legal language in extremely small print. This is the stadium owner's attempted disclaimer of legal responsibility for any injuries that might occur to fans at the stadium. The disclaimer usually says something like balls, pucks, and even players occasionally leave the field of play; the balls or pucks might be traveling at high speeds; and the fan assumes the risk of injury from any balls, pucks, or players that leave the field of play.

What happens if you get hit by a foul ball at a baseball game? Is this disclaimer valid? While every state's law is different, these disclaimers are valid, with exceptions.

The sports facility owner still has an obligation to act reasonably to minimize the risk of injury to spectators. That is why all baseball stadiums have netting behind home plate to protect against foul balls. The netting is behind home plate because balls that are fouled straight back are going so fast, and the spectators are so close, that a

spectator could not reasonably get out of the way. However, although home run balls also leave the field of play, there is no netting in the outfield because the balls are not traveling as fast and because the spectators in the outfield seats have four or five seconds to track the ball traveling toward them.

If you get hit by a foul ball while sitting between home plate and first base, you might be able to make an argument that the netting was not large enough, depending on exactly where you were sitting. The stadium industry has standards for how far away from home plate the netting should extend. If the stadium that you were injured at did not meet those standards, you may have a legal case against the stadium owner. Another example where the disclaimer might not hold up is if you were sitting behind home plate and a foul ball went through a hole in the netting. In this situation, you could argue the stadium owner was negligent in its upkeep of the netting.

In a hockey arena, Plexiglas is installed around the ice to protect the first ten rows of seats from flying pucks. Some arenas have marked rows of seats in a specific color to indicate there is a chance that a flying puck could hit individuals seated in these seats. For example at NHL hockey rinks, there is protective Plexiglas as well as netting surrounding the ice to shield spectators from flying hockey pucks.

Though the ticket disclaimers as well as preventive measures serve to protect venues from legal responsibility should someone be seriously injured, and courts typically disregard personal injury claims because of that rule, there are some exceptions. Personal injury and negligence claims may be filed if an injured party can prove the owners of the sports stadium or entertainment venue did not take adequate measures to keep them safe. Examples of premises liability situations that do not fall under the “assumption of risk” disclaimer include a faulty railing or broken steps that cause a fan to fall and become injured because of faulty property maintenance. Remember, property owners have an obligation to keep their premises safe and free of hazardous conditions that can cause serious injury.

Reference

The “Baseball Rule”. Retrieved January 30, 2023 from [https://www.nfhs.org/articles/the-baseball-rule-liability-to-spectators-for-foul-ball-injuries/#:~:text=The “Baseball Rule” is associated with attending a ballgame.](https://www.nfhs.org/articles/the-baseball-rule-liability-to-spectators-for-foul-ball-injuries/#:~:text=The%20%22Baseball%20Rule%22%20is%20associated%20with%20attending%20a%20ballgame.)