

7-23-2015

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Recommended Citation

Edmonds, Ed, "Foul-ball injury at South Bend game highlights delicate safety balance" (2015). *NDLS in the News*. Paper 294.
http://scholarship.law.nd.edu/ndls_news/294

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Foul-ball injury at South Bend game highlights delicate safety balance

By Christian Sheckler South Bend Tribune | Posted: Thursday, July 23, 2015 6:00 am

SOUTH BEND — For many years, the conventional wisdom goes, anyone who has filed through the turnstiles of a professional baseball stadium and sat down to take in a game on a warm summer night has also risked being hit by a foul ball or the airborne splinters of a broken bat.

But teams across the country now face a delicate balancing act — how to make the national pastime safer for fans without also ruining some of the fun — and that question arose again Tuesday evening, when a line-drive hit a woman in the head at a South Bend Cubs game, leaving her with a concussion.

Tuesday's incident occurred during the bottom of the seventh inning, as the Cubs played the visiting Great Lakes Loons at Four Winds Field.

The woman, who has not been identified, was rushed to Memorial Hospital. The extent of her injuries was not initially clear, but Cubs President Joe Hart said Wednesday she had been treated for a concussion and released from the hospital.

Some fans have pressed teams to increase their safety measures. In a proposed class-action lawsuit filed this month, an Oakland A's fan is pushing for Major League Baseball to extend protective netting far down the first- and third-base lines, beyond the team dugouts.

But the woman's injury in South Bend showed that not even extended protective netting can eliminate the risk of injuries from flying balls or bats. Hart pointed out that the netting at Four Winds Field extends from behind home plate to the far ends of the dugouts.

"That's about 60 feet longer than most stadiums," he said, adding that the woman who was injured Tuesday was sitting in section 104, the first section beyond the netting along the first base line.

Hart said the Cubs had no plans to extend the netting farther, though he said the team would monitor any developments in Major League Baseball for possible guidance on safety. And he acknowledged



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A pair of young Cubs fans watch the game Wednesday night from behind the protective netting that extends from home plate to the ends of both dugouts.SBT
Photo/BECKY MALEWITZ

the view among some people that extending the nets even farther could hurt the entertainment value for fans who look forward to the chance to catch a foul ball or get autographs from players.

"Fan interaction with players is a fun thing, but still, at the end I think we want to make sure people out here are safe while they're having a good time," he said.

Hart said he has heard complaints from some fans who say the netting — which was extended to the ends of the dugouts under the team's previous ownership in 2011 — has already gone too far.

Cubs fans who were sitting in section 104 at Wednesday's game said they always keep an eye out for foul balls when they attend a baseball game.

"That's one of the risks. It goes with the territory, so to speak," said George Walker, a Granger resident who was at the game with his wife, Darlene.

Several fans also said they wouldn't mind if the nets at Four Winds Field were extended farther down the baselines.

"It wouldn't bother me. I think they could be farther out," said Stephanie Lerner, a Goshen resident who attended the game with her husband, Marc, and their daughter, Katie.

For decades, baseball teams have operated under the assumption that anyone who attends a game accepts the risk of injury from foul balls or bats — an assumption that has been upheld by courts in many states including Indiana, under the so-called "baseball rule."

Under the baseball rule, courts have not held teams at fault for such injuries, so long as the teams take limited safety precautions, such as netting directly behind home plate and to the nearest ends of the dugouts, legal experts said.

"When people go to a baseball game, the risk of being hit by a foul ball is obvious, and therefore they assume that risk when they go into the park," said Gary Roberts, an expert in sports law and dean emeritus at Indiana University's Robert H. McKinney School of Law in Indianapolis.

As recently as 2014, the Indiana Supreme Court denied a lawsuit against the Gary-based South Shore RailCats by a woman who was hit in the head by a foul ball, breaking several bones in her face and leaving her blind in one eye.

Teams, for their part, generally warn fans of the sport's inherent danger in disclaimers printed on tickets and signs.

In its ruling in favor of the RailCats, however, the state's high court may also have opened the door to a greater burden on teams to keep their fans safe, said Ed Edmonds, another sports law expert and associate dean of the Notre Dame Law School.

In the ruling, Justice Mark Massa wrote that baseball's "status as our national pastime" ought not

entitle teams or stadium owners to a special, lesser duty to keep people safe than that required of other property owners.

"If your feeling had been, as a stadium owner, 'I needn't worry about this,' I think actions over the last five or six years should cause you to be less secure," he said. "Courts are looking more closely at this."

Tribune staff writer Kevin Allen contributed to this report.

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