



## **Wobbly Facts Get Jell-O Case Dismissed**

Names will be changed to protect the stupid. Plaintiff A.W. sued New York University because he was play-wrestling with another student and was pushed into a kiddie pool filled with jell-o, injuring himself. This was after he had already been pushed into the kiddie pool, climbed out of the pool, and removed his cell phone and wallet from his pants pocket.

The jell-o pool was part of a student organization's Beach Bash Event, which A.W., an officer of the student organization sponsoring the event, helped plan.

Even though a D.J. videotaped the whole mess, A.W. sued N.Y.U. for One Million (\$1,000,000) Dollars.

Rightfully, Manhattan judge Carol Edmead threw out the case, holding that N.Y.U. had no duty to protect A.W. from the actions of his fellow students and, perhaps more to the point, that A.W. assumed the risk of his own horseplay.

For anyone who cares, this Manhattan (New York County) case carries index number 114439/2005; a copy of the decision can be gotten off the Internet, from the N.Y.S. Courts' official website: [www.courts.state.ny.us](http://www.courts.state.ny.us)

**Commentary: I'm slightly embarrassed that some law firm even brought this case.**

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[New York attorney Gary E. Rosenberg \(personal injury and accident attorney and lawyer; serving Brooklyn Queens Bronx\)](#)

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