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PRACTICE AREAS

Workers Compensation

Personal Injury

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What duty do stadium owners owe to an injured spectator at football game?

4/8/2010

In March, the Fourth District of Illinois handed down [Pickel v. Springfield Stallions](#), No. 4-09-0490 (March 23, 2010) Sangamon Co. (APPLETON). This case addressed this issue of whether the various defendants, all of whom operated a sporting stadium as partners, were liable for injuries sustained by the plaintiff while watching an indoor football game.

In this case, the plaintiff was a spectator during a Springfield Stallions football game and was injured when "a football player ran out of bounds, fell over a wall separating the spectators from the playing field, and collided with her."

She asserted that the defendants were liable under a theory of negligence in failing to protect her from injury. In their defense, the defendants alleged that, pursuant to *Karas v. Strevell*, 227 Ill. 2d 440, 884 N.E.2d 122 (2008) and *Pfister v. Shusta*, 167 Ill. 2d 417, 657 N.E.2d 1013 (1995), she was required to plead willful and wanton conduct rather than simple negligence, since football is an inherently violent sport.

The trial court agreed with the defendants and dismissed the complaint with prejudice. However, 4th District disagreed and reinstated the complaint, concluding that the doctrine of primary assumption of risk was inapplicable due to the plaintiff's status as a spectator, rather than a player.

As the 4th District explained:

We agree with plaintiff that her status as a spectator, rather than



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a participant, makes Karas, Pfister, and similar cases fundamentally distinguishable. According to the amended complaint, defendants were possessors of the Prairie Capital Convention Center (Convention Center) in Springfield, and they held the premises open to members of the public who paid a fee to watch the football game. Defendants' duty, therefore, was well established under the common law: a duty to take reasonable action to protect the invitees against an unreasonable risk of harm. Acting reasonably meant refraining from negligence.

Accordingly, the court held that the defendants owed her duty of care to take reasonable precautions for safety, such as installing adequately sturdy walls or issuing appropriate warnings.