

# Major League Baseball Recommends Extending Safety Nets in Stadiums

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It happens during every Major League Baseball game – a ball is batted out of the field-of-play and into the grandstand. Sometimes even a bat or sections of a broken bat will be launched into the stands. This of course poses an injury risk to the spectators, especially those seated along the first and third base foul lines.

A class action lawsuit was filed in federal court in July of 2015, accusing the MLB of failing to sufficiently protect MLB spectators against foul balls and errant bats. The complaint claims that an estimated 1,750 fans are struck by foul balls each year, causing injuries such as blindness, skull fractures, severe concussions, and brain hemorrhages.

Baseball stadium owners have long been protected from liability for injured spectators under the “Baseball Rule.” The Baseball Rule provides that stadium owners owe a “limited duty” to “provide screened seats for as many patrons as may reasonably be expected to call for them on ordinary occasions.” To date, stadium owners have satisfied

their limited duty of care to spectators by providing screening exclusively behind the home plate area.

Notwithstanding stadium owners’ protection under the Baseball Rule as well as primary assumption of risk principles, the MLB recently recommended that all 30 teams extend the screening behind home plate at their stadiums. Specifically, the MLB recommended that its baseball clubs implement screening that extends from home plate to the end of each dugout. This would screen all field-level fans within 70 feet of the home plate.

The MLB Commissioner, Rob Manfred, has retained an expert in stadium architecture and protective netting to help clubs that are interested in expanding their existing screening. Although MLB stadiums provide signs warning of foul balls throughout the grandstand and stadium, Manfred also recommended that the clubs explore further ways to educate spectators about the dangers posed by objects leaving the field-of-play.

The MLB’s recommendation appears to be a response to the class action suit filed in July, which is attempting to force the MLB to extend the existing home plate screening to each foul pole at all major and minor league ballparks by the start of the 2016 season. It remains to be seen

whether or not the ball clubs and Stadium owners will forego the protections granted by the “Baseball Rule” and provide additional screening. Such a move may alter the “ballpark experience” that the MLB has tried to preserve as the game has evolved.

## **ABOUT THE AUTHORS**

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