Case Study 4: Analyze a Case in Sport Law

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Author Note

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In the case *Koffman v. Garnett* (2003), the court decided whether a young player who was injured while practicing with his football coach could hold the coach liable for the injury. The court had to decide whether the act constituted a civil assault, battery, simple or gross negligence. An assault requires that the receiver experiences fear and a reasonable apprehension of harm regardless of contact. Conversely, battery occurs when one party is touched by the other without consent. Moreover, since the coach possessed government immunity, there was also the question of whether the act constituted gross negligence or a simple act of negligence which injured the player.

# Key facts

The case involved a 13-year-old Andrew and his football coach who criticized Andrew for his inability to tackle. During the practice, the coach asked Andrew to hold the football and stand still and straight to demonstrate a tackling technique. As Andrew complied with the request, the coach thrust his arms around him, raised him from the ground, and then slammed him back. As a result, Andrew suffered injuries and a broken arm. Andrew's parents filed a suit against the coach, who was the defendant, for gross negligence and intentional battery and assault. However, the trial court held that the game of football carries inherent risk and that the defendant's actions only constituted simple negligence. Moreover, the immunity enjoyed by the coach did not make him liable for damages. However, the plaintiff appealed against the decision.

# Key Issue(s)

* Whether a battery charge can be filed for an injury suffered while playing a sport.
* Whether the trial court was justified in dismissing the plaintiff’s charge of battery, assault, and gross negligence.

# Ruling

It is possible for a plaintiff to seek damages for battery as a result of an injury that is inflicted during the course of the sport. Battery will occur if the plaintiff did not impliedly or expressly consent to harmful contact. The coach’s actions constituted gross negligence but the plaintiff’s claim for battery cannot be substantiated.

# Reasoning

The court found that the plaintiff has a rightful claim against the defendant for gross negligence yet the claim for battery is weak. In the context of organized sports, a battery can only be proven if the defendant violates a particular regulation or rule that was specifically created for the protection of the player. In the absence of such a claim, an intentional tort like battery cannot be said to have occurred. Moreover, Andrew had complied with the defendant's request in order to learn tackling skills, which implied consent. The coach intended to demonstrate to Andrew how to properly tackle, which is a part of football. The tackle, therefore, cannot be deemed as battery, however, given the age, size, skill, and experience difference between Andrew and the coach, the latter's actions constituted gross negligence. The appellant court, therefore, reversed the trial court's decision.

# Significance

In sports law, gross negligence is said to have occurred when the plaintiff can prove that the harm suffered by him/her was a result of reckless disregard by the defendant for the plaintiff’s safety. In such a case, the defendant was given directions not to defend himself alongside the fact that there was a significant size difference between the two individuals. The extent of force exerted by the defendant was inappropriate, which was not demonstrated in the case of earlier players for Andrew to have foreseen the harm. Therefore, the coach acted out of gross negligence. However, a battery claim requires harmful contact that is non-consented and unjustified. Although participating in an inherently dangerous game such as football implies consent of being tackled, Andrew could not apprehend being tackled by an adult. Likewise, the element of fear and apprehension of imminent harm was absent in the incident because Andrew did not know what the coach was about to do. Yet the issue of implied consent can absolve the defendant of battery charges, but still, make him liable to claims of gross negligence. Any claims of gross negligence can override the defendant's defense of government immunity.

# References

Koffman v. Garnett, 574 S.E.2d 258 (Supreme Court of Virginia January 10, 2003).