

\$5 Million in Liability Claims and How They Could Have Been Avoided



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Claim Number 1

Cause: Poorly Constructed and Uninspected Goal

Date of loss: 5/7/07

Description: Claimant was a 10 year old goalie who was killed when a soccer goal post collapsed on her during a game. Claimant sustained a severe skull fracture. The claim was placed in suit naming a multitude of defendants, as well as the goal manufacturer. It recently settled with the soccer association's insurer paying \$500,000 to the player's family on behalf of the Soccer Club and the State Association. Litigation is still in progress with the manufacturer of the goal. Other defendants have settled separately.

Claim Cost:

Indemnity Paid:	\$500,000
Legal Expense Paid:	\$138,964
Total Incurred:	\$638,964

How this claim could have been avoided: Part of the pre-game inspection must include an inspection of the goal posts to make sure they are sound, level and properly anchored. Injuries from falling goal posts are almost always serious due to their weight and size – but they are 100% preventable.

Claim Number 2

Cause: Sideline Crowding/Overly Aggressive Play

Date of Loss: 8/16/08

Description: 14 year old player was going for a ball which was near the sideline. Two other youth players were going for the ball at the same time during a purportedly rough game. It is alleged that one of the other players pushed the claimant out of bounds. Claimant went head first into her coach's knee and the coach fell on top of her. Player sustained severe fracture at 3 cervical level vertebrae. Claimant is paralyzed from the waist down. As of this date, there has been no claim presented against the coach, the club or the soccer association. However, due to the severity of the injury, the insurance carrier continues to actively monitor the claim.

Claim Cost:

Indemnity Paid:	\$250,000 (reserve)
Legal Expense Paid:	\$10,000 (reserve)
Total Incurred:	\$260,000 (reserve)

How this claim could have been avoided: Referees need to keep tight control over the game. Coaches and teammates (and others) need to be kept a safe distance from field of play.

Claim Number 3

Cause: Not Taking Head Injuries Seriously Enough

Date of Loss 10/10/09

Description: Loss involves youth male player being involved in head to head collision with other player during aggressive play. It was originally believed that the player's injury was not that severe, he was just shaken up. Hours had passed and claimant was then rushed to the hospital where he underwent emergency surgery to relieve swelling on the brain. Player had sustained a skull fracture with internal bleeding necessitating 7 plates and numerous titanium screws in his skull to repair. This is a recent incident and no claims have been presented alleging negligence. The player's parent did initially write a stern letter outlining their concerns over the immediate response by coaches and medical personnel. Case remains on a monitoring basis.

Claim Cost:

Indemnity Paid:	\$250,000 (reserve)
Legal Expense Paid:	\$1,500 (reserve)
Total Incurred:	\$251,500 (reserve)

How this claim could have been avoided: In soccer there is no way to avoid collisions between players. However, coaches need to act quickly when there is the possibility of concussion or more serious head injury. Much has been published lately on this topic. A good overview is published by the NFHS at www.NFHS.org/sportsmed.aspx, "2009 Concussion Guidelines for Sports."

Claim Number 4

Cause: Assuming the Risk of Unsafe Surrounding Areas - Be Careful What You Sign

Date of Loss: 3/24/03

Description: 79 year old female spectator tripped and fell over a speed bump in a school parking lot on her way to see a soccer game. The claimant sustained a hip fracture due to the fall. While in the hospital she passed away after contracting an infection. The family alleged that she would not have died had she not fell and broke her hip. Throughout the course of litigation, multiple defenses were made on behalf of the soccer league. The school board tried to have their full defense tendered to the soccer league based on the indemnification agreement the league signed when leasing the fields. At mediation, the judge ordered the case to be settled at \$325,000 with the soccer insurance company contributing \$82,500 and the Board of Education paying \$242,500. This case was settled in February 2007.

Claim Cost:

Indemnity Paid:	\$82,500
Legal Expense Paid:	\$91,682
Total Incurred:	\$174,182

How this claim could have been avoided: Understand what you are responsible for when signing a contract or lease agreement. Are the restrooms, parking lots, playground, etc., all part of your league's responsibility? If the terms seem unreasonable, try to have them voided. If not possible, you need to inspect the areas prior to signing the lease and report any unsafe conditions to the field owner to remedy. When doing pre-game field inspections, these areas also need to be inspected as well.

Claim Number 5

Cause: Horseplay, Lack of Adult Supervision

Date of loss: 9/16/06

Description: Significant property damage was sustained at a hotel where a travel soccer team was staying. Players were playing with soccer balls in the hallways of the hotel. A soccer ball hit a fire sprinkler head, setting it off and causing substantial water damage. This matter posed a coverage review to determine if the State's policy would extend to the individuals for damages caused. The State and league were covered for defense under the policy. Coverage under the policy was denied to the players and their families. The families' Homeowner's policies have been brought into the claim.

Claim Cost:

Indemnity Paid:	\$150,000 (reserve)
Expense Paid:	\$5,929
Expense Reserved:	\$4,570
Total Incurred:	\$160,499

How this claim could have been avoided: When traveling with a team, the coaches and chaperones should set rules with players regarding their behavior on the road, along with consequences for breaking these rules. The rules should be enforced and monitored.

Claim Number 6

Cause: Over Matched Participants in Contact Situations

Date of Loss: 10/06/03

Description: The claimant, a 13 year old female player, suffered a severe leg injury after colliding with the goalkeeper when they both went for the ball during a scrimmage. The goalkeeper, however, was an adult male assistant coach that outweighed the claimant by 75 pounds. Claimant sustained fractures to the femur in the accident. This was a unique pediatric injury involving two fractures, one of which is at the growth plate. The claimant also has a leg length discrepancy that will likely worsen over time and will require special shoes throughout her life. The screws in her leg are permanent and will likely lead to early onset arthritis. Claimant's medical records suggested that she will require multiple future surgeries including total knee replacement and scar revision. The claimant's medicals and future medicals were deemed to be \$285,000. The insurer was able to settle the claim at mediation for \$537,000.

Claim Cost:

Indemnity Paid:	\$537,500
Legal Expense Paid:	\$10,500
Total Incurred:	\$548,000

How this claim could have been avoided: It is very important to match players in game situations by relative size as well as ability to prevent avoidable injuries such as this.

Claim Number 7

Cause: The Hidden Automobile Exposure

Date of Loss: 8/21/03

Description: This claim was filed under the soccer association's Hired and Non-Owned Auto Policy. The driver of a rental car, who was a coach hired by the league, made a left turn on his way to a soccer game and hit a motorcyclist causing severe injury including broken legs, broken hip and fractured skull. The claimant incurred medical bills in the \$2.5 million range. Case was settled in March of 2005 for \$995,000, in addition to the rental car liability insurance and the coach's own insurance.

Claim Cost:

Indemnity Paid:	\$995,000
Legal Expense Paid:	\$35,419
Total Incurred:	\$1,030,419

How this claim could have been avoided: Freak accidents like this can occur. Make sure you establish guidelines for anyone driving on behalf of your league or association. Adult drivers only; fully insured and properly licensed.

Claim Number 8

Cause: Poor Field Conditions and Poor Judgment

Date of Loss: 4/10/05

Description: Allegations of poor field conditions resulting in a trip and fall of a youth player. It had rained heavily the day before the game and there was mud and puddles on the field creating a very unsafe condition. The player sustained a fracture of her right tibia, with medical bills over \$40,000. This case was settled at mediation for \$115,000 on behalf of the soccer league and the school district, who was named as an additional insured under the policy.

Claim Cost:

Indemnity Paid:	\$115,000
Legal Expense Paid:	\$49,196
Total Incurred:	\$249,196

How this claim could have been avoided: Pre-game field inspections are critical to avoiding preventable injuries and lawsuits. If the field conditions present a safety hazard to players, the referee and coaches must do what they can to remedy the situation, cordon off the unsafe areas, move the game or cancel it altogether.

Claim Number 9

Cause: Ignoring Zero Tolerance Rule against Abuse

Date of Loss: 8/28/01

Description: The claimant, a 15 year old female, alleged that her coach got her intoxicated and sexually molested her. The coach took the girl to dinner while they were traveling for a soccer tournament, served her extensive amounts of alcohol and had sex with her at his hotel. The coach pled guilty to six counts of lewd and lascivious behavior with a child and was sentenced to 52 months in prison. A liability claim was filed against the league and the state soccer association for failure to supervise and for ignoring the outcome of the coach's background check. The league had done a background check on the coach prior to this event, which revealed a history of drug and alcohol abuse, as well as a history of domestic violence. Despite knowledge of this, the league allowed him to coach. The claim settled for the liability policy limits of \$1,000,000, and an additional \$300,000 paid by the umbrella policy.

Claim Cost:

Indemnity Paid:	\$1,300,000
Legal Expense Paid:	\$74,849
Total Incurred:	\$1,374,849

How this claim could have been avoided: Background checks provide key information regarding a coach's suitability to participate in youth sports. In this case, the history of drugs, alcohol and domestic violence should have been red flagged that would prevent the coach from continuing to coach and from working with children. In addition, no coach or adult volunteer should ever be one-on-one with a player, particularly when traveling.

Claim Number 10

Cause: Dangerous Fundraiser

Date of Loss: 12/15/02

Description: At a fundraiser a young female soccer player was selling food and collecting donations on the side of a busy road while darting in and out of traffic. She was hit by a car and suffered a severe broken leg. Her medical bills were more than \$100,000 and she was not ambulatory for six months. Negligence on the part of the adult organizers was obvious.

Claim Cost:

Indemnity Paid:	\$425,000
Legal Expense Paid:	\$23,958
Total Incurred:	\$448,958

How this claim could have been avoided: An element of common sense and good judgment would have helped. Fundraisers should never involve an increase exposure to anything dangerous.