

Fan Sues Royals For Mascot Hot Dog Mishap

Monday, November 4, 2013 | Associated Press, The Washington Post

KANSAS CITY, Mo. — If it had been a foul ball or broken bat that struck John Coomer in the eye as he watched a Kansas City Royals game, the courts likely wouldn't force the team to pay for his surgeries and suffering. But because it was a hot dog thrown by the team mascot — behind the back, no less — he just may have a case. The Missouri Supreme Court is weighing whether the "baseball rule" — a legal standard that protects teams from being sued over fan injuries caused by events on the field, court or rink —



should also apply to injuries caused by mascots or the other personnel that teams employ to engage fans.

Because the case could set a legal precedent, it could change how teams in other cities and sports approach interacting with fans at their games. Coomer, of Overland Park, Kan., says he was injured at a September 2009 Royals game when the team's lion mascot, Slugger, threw a 4-ounce, foil-wrapped wiener into the stands that struck his eye. He had to have two surgeries — one to repair a detached retina and the other to remove a cataract that developed and implant an artificial lens.

Coomer's vision is worse now than before he was hurt and he has paid roughly \$4,800 in medical costs, said his attorney, Robert Tormohlen. Coomer, 53, declined to discuss the case. His lawsuit seeks an award of "over \$20,000" from the team, but the actual amount he is seeking is likely much greater. Tormohlen declined to discuss the actual amount.

The Jackson County jurors who first heard the case two years ago sided with the Royals, saying Coomer was completely at fault for his injury because he wasn't aware of what was going on around him. An appeals

court overturned that decision in January, however, ruling that while being struck by a baseball is an inherent risk fans assume at games, being hit with a hot dog isn't.

The state Supreme Court heard oral arguments in September, but didn't indicate when it might issue its ruling. Few cases had addressed the level of legal duty, or obligation, a mascot owes to fans, so Coomer's case is being closely watched by teams throughout the country, said Tormohlen. "If a jury finds that the activity at issue is an inherent and unavoidable risk, the Royals owe no duty to their spectators," Tormohlen said. "No case has extended the no-duty rule to the activities of a mascot." The Royals, whose spokesman declined to comment on the case while it is pending, have argued that the hot dog toss has been a popular fan attraction at Kauffman Stadium since 2000 and is as much part of the game experience as strikeouts and home runs.

From mascot races and T-shirt cannons to free Wi-Fi and stadium sushi stands, teams have been doing everything they can to convince fans that the live experience is worth the high ticket and concession prices and is better than watching games on television. "You have this competition with teams engaged in pushing the envelope trying to make the experience at the event better than what you can experience at home," said Jordan Kobritz, a professor in the Sports Management Department at SUNY Cortland. "You also have the fan mentality in which risk today is more tolerable than it's been in our history."

A ruling in Coomer's favor, or one that at least assigns partial blame to the mascot, could force teams to rethink their promotions or take additional measures to keep spectators safe, Kobritz said. Bob Jarvis, a sports law professor at Nova Southeastern University in Florida, said a 1997 California case set an important precedent when a state appeals court ruled that mascots were not an essential part of a baseball game. In that case, a minor league baseball team's dinosaur brushed against a fan, distracting him right before he was struck by a ball that broke several bones in his face. The court said mascot antics weren't essential or integral to the playing of a game. The case was later settled for an undisclosed sum, Jarvis said. Furthermore, not all courts have treated the baseball rule as sacrosanct. Earlier this year, the Idaho Supreme Court allowed a fan who lost an eye to a foul ball at a minor league baseball game to proceed with his lawsuit against the team. The court said that since baseball fan injuries are so rare in Idaho, there didn't seem to be a compelling reason for the court to step in.

In the Kansas City case, a ruling in the Royals' favor would indicate that mascots are, indeed, an essential part of the game experience, Jarvis said. If that happens, the Kansas City case would likely supplant Lowe's as the one attorneys look at when deciding whether to file a lawsuit on behalf of an injured fan. "If you could get a court to go the other way and say in-game entertainment is a natural part of playing baseball in the U.S. in the 21st century, that would be a tremendous precedent that could cut off future lawsuits," Jarvis said.

1. In appropriate paragraph form, compare and contrast the pros and cons synonymous with the Missouri Supreme Court establishing a monumental legal precedence for individuals seeking compensation from professional sports organizations. Provided the information articulated in the

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- passage above, do you believe the decision to heavily compensate the victim monetarily in excess of the medicals expenses affiliated with merely treating injuries sustained via Slugger is a legitimate course of action? In anticipation of inevitable repercussions, identify a series of proactive measures professional sports organization may implement forthwith to avoid encountering a similar dilemma. Thoroughly explain your reasoning and provide specific artifacts and evidence not limited solely to article above to support your response. Create and illustrate a Venn Diagram to effectively explore relationships and patterns and to make arguments about relationships between sets. **(LA.910.3.2.2; LA.910.1.6.2; MA.912.D.7.2; MA.912.A.10.1)**
2. Experimentalaircraft.info suggests "Taking off into the wind will generate part of the required lift as the aircraft lifts off sooner and this will result in a lower ground speed and therefore a shorter take-off run for the aircraft to become airborne. In contrast, take-offs with a tailwind will result in the use of much more runway to get enough lift for flight - it takes distance to nullify the tailwind before any headwind is obtained for lift." Provided the rather unique opportunity in obtaining instantaneous national notoriety, countless attorneys accompanied by their highly motivated administrative legal teams acquire flights from Sarasota, Florida to Kansas City, Missouri. In moderate traffic conditions, it takes approximately 18 hours 47 minutes via a privately owned vehicle; however, merely 4 hours and 20 minutes to address the 1311 miles against a massive unforeseen headwind in a McDonnell-Douglas MD 88. Simultaneously, John Coomer as well as his attorney, Robert Tormohlen, embark upon a first class flight from Kansas City, Missouri to Sarasota, Florida on an all expense paid vacation to allegedly enable his client an opportunity to recuperate from injuries sustained at the same average airspeed; however, their flight is only 3 hours and 45 minutes provided the tailwind. Employ the necessary applications of system of linear equations to determine the average airspeed of the planes coupled with the average wind speed. **(MA.912.A.3.14; MA.912.A.3.15)**
 3. The gear ratio of two gears in an integral component of McDonnell-Douglas MD 88 is the ratio of the number of teeth of the larger gear to the smaller. In a set of three gears, the ratio of gear A to B is equal to the ratio of gear B to C. A has 36 teeth whereas C contains 16. How many does B have? Identify the means and extremes of the proportion. **(MA.912.D.6.4; MA.912.G.8.2; MA.912.G.8.4; MA.912.G.8.5;)**
 4. The Ewing M. Kauffman Stadium nicknamed "The K", formerly known as Royals Stadium is a Major League Baseball stadium located in Kansas City, Missouri, and home to the Kansas City Royals of the American League. Ballparksofbaseball.com suggests, "The most unique feature of the stadium were the water fountains beyond the outfield fence as Kansas City is known as the City of Fountains. The fountains stretch 322 feet horizontally and have a 10 foot high waterfall that descends from an upper cascade pool that serves as a background for two water fountain pools." A fan with a deep seeded passion for mathematics elects to estimate the height of the fountain. Assuming the Royals' team mascot, Slugger, stands approximately 84 inches tall so that the tip of his shadow coincides with that of the fountain. The distance from the mascot to the fountain is 100 feet and the distance between the tip of the shadows and Slugger's feet is 10 feet. Illustrate the diagram. Identify the means and extremes of the proportion. What postulate or theorem might one employ to show that the triangles in the diagram are similar? Explain your reasoning. **(MA.912.D.1.2; MA.912.G.2.4; MA.912.G.4.1; MA.912.G.4.5;)**
 5. Identify and thoroughly support your reasoning regarding which of the following that best describes the author's attitude toward the legal ramifications synonymous with injuries sustained via a mascot while in attendance at a sporting event: flippant disregard, mild frustration, passive resignation or an informed citizen. Explain the intended purpose of this article and identify any indicators or supporting evidence, which suggest the author may possess a bias for or against the individual who inadvertently sustained injuries via the Royals' mascot. What is the central idea and what conclusion might one obtain? Provide an inference an owner of a professional sports organization may derive from this material. The point of view assumed throughout the passage is best described as first person, second person, third person, or a combination of first and third person. How may this article be referenced for an independent student research project analyzing and interpreting an increased prevalence of lucrative and frivolous lawsuits? **(RI.9-10.1 – 10.6)**
 6. Using contextual clues only, determine the most complete and accurate definitions of following italicized terms: *supplant*, *precedent*, *antics*, *integral*, *sacrosanct*, *compelling*, *engaged*, *tolerable*, *inherent*, *mentality artificial*, and *employ* as obtained from the passage above. Additionally, use each word in a complete sentence to demonstrate further comprehension. **(LA.910.1.6.3; LA.910.1.6.1)**
 7. **SARASOTA MILITARY ACADEMY WORD-OF-THE-WEEK** Create a concluding paragraph aligned with the passage above using the following italicized word: *Bovine* adj. of, relating to, or resembling an animal **(LA.910.1.6.1; LA.910.1.6.5)**

Viva o Daughtry Times. Isso é tudo | Due Monday, November 11, 2013

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