

Let's Be Frank

By Reg P. Wydeven
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In a classic episode of 'The Simpsons,' the family goes to a stock car race. Sitting in the second-to-the last row of the grandstands, Homer takes his shirt off and cheers raucously, obstructing the view of his neighbors, Ned and Maude Flanders.

Homer begs the cheerleaders to shoot the T-shirt bazooka at him. When they comply and fire, Homer bends over to pick up a bobby pin. As he stoops, the half-dozen T-shirts smack Maude, causing her to careen over the railing to plunge to her death below. Adding insult to injury, Homer parked in the emergency lane, preventing the ambulance from reaching Maude.

While the episode made for dark comedy, John Coomer probably wouldn't laugh.

Coomer attended a Kansas City Royals baseball game in September of 2009. As part of a promotion, Sluggerrr, the Royals' lion mascot, tossed 4-ounce, foil-wrapped hot dogs into the crowd. One red hot that he tossed behind his back struck Coomer in the eye.

As a result, Coomer suffered a detached retina and developed a cataract, requiring two surgeries and an artificial lens implant. He incurred \$4,800 in medical bills, and his vision is still worse than before the incident.

In 2011, Coomer sued the Royals in Jackson County, Missouri, seeking damages of "over \$20,000," although the actual amount is likely much higher. Jurors in the case found in favor of the team, finding Coomer was at fault for failing to pay attention to the events going on around him. Coomer appealed, claiming that getting hit by a ball or bat is an inherent risk at baseball games, but getting hit with an errant frankfurter is not. In January, the appellate court agreed and overturned the circuit court's ruling.

Last month the case went before the Missouri Supreme Court. Sports teams and fans across the country are following the case closely, for it challenges the "baseball rule," or the long standing legal precedent that shields teams from liability if a fan gets injured at an event. Coomer is claiming the baseball rule should not extend to injuries caused by mascots or team personnel hired to engage fans.

Coomer is relying on a 1997 California case where an appellate court ruled that mascots are not an essential part of a baseball game. In the case, a fan was struck by a foul ball that broke several bones in his face because he was distracted after being brushed by the minor league team's dinosaur mascot. The court held that mascot antics aren't essential or integral to the playing of a game.

The Royals will claim that just 15 years later, in-game entertainment, such as the Brewers' sausage races, is a natural part of the experience and a necessary one to attract fans. Sluggerrr has been tossing hot dogs at Kauffman Stadium since 2000, and team officials claim it is an important part of Royals' games.

If the Court rules in Coomer's favor, it's a good bet teams will change their promotions. I guess my mom was right once again: it is only funny until someone gets hit in the eye.

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