

Scenario 5 Response
“The Shoulder Injury”
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The Scenario

Jake Grimes is an excellent basketball player. As a junior on the high school team he earned conference and state honors. Several colleges and university scouts know of him. He has practiced hard all summer and lifted weights daily to stay in shape for the upcoming season, and he is looking forward to having an outstanding senior year. He is confident that playing well could lead to several scholarship offers.

In the second game of the season, Jake was playing very well. Three minutes into the second half of the game he dove into the stands after a loose ball, landing on his shoulder. It was obvious that he was in pain. The game was stopped. The assistant coach and team manager ran over to help Jake. Jake told them he could not move his arm, and he was removed from the game.

Five minutes later, Jake told the head coach, Mr. Sanderson, that he was ready to go back in. Coach Sanderson put Jake back into the game. On the first pass to Jake, he grabbed his shoulder. The pain had returned, and he was taken out of the game permanently. The team manager helped Jake put ice on the shoulder.

The next day, Jake showed up for practice. He told Coach Sanderson that his shoulder was “a little stiff” but not enough to keep him from practicing with the team. Jake practiced the full three hours, but complained afterwards that his shoulder hurt. The coach told him to “go home and ice it down.”

That evening, Jake’s mother called Coach Sanderson at home. Joanne Grimes was very upset and angry. She told Coach Sanderson that she and her husband were still with Jake at the emergency room of the local hospital. Jake’s shoulder was so painful that he could not stand it. She said, “The doctor took x-rays and there is a tear in the rotator cuff. He believes there is damage to some tendons and ligaments. We are getting a lawyer because our son’s scholarship has gone down the drain because of your negligence.”

What are the issues? Was the coach negligent? Do the parents have a case?

My Summary

Summary: The school division was NOT in the wrong in one test out of three, and WAS in the wrong in two tests out of three.

Action: Jake Grimes dove into the stand and injured his shoulder; Coach Sanderson removed him.

Under *Wattenbarger v. Cincinnati Reds* (33 Cal. Rprt. 2d 732 [Cal. Appl. 1994]), it was established that coaches “owe a legal duty to restrict an injured player’s participation to avoid further aggravation of an injury sustained.”

Under *Wattenbarger*, Coach Sanderson acted appropriately by removing Jake from the game at the time of apparent injury.

Further, *Lasseigne v. American Legion* (558 So.2d 614 [La. App. 1 Cir. 1990]) held that coaches who undertake reasonable action under the circumstances are deemed not to be negligent. In this case, Coach Sanderson rightly removed Jake from the game, an obligation under both *Wattenbarger* and *Lasseigne*.

Kleinknecht v. Gettysburg College (786 F. Supp. 449 [M.D.Pa. 1992]) further added that “foreseeability is the key factor in determining negligence liability.” In this case, removing Jake from the game complied with reasonable foreseeability of exacerbation of injury.

Action: Jake Grimes stated he was well; Coach Sanderson placed him back into the game. Jake exacerbated his injury.

It is at this point that Coach Sanderson *may have* crossed the line. He *may have* had an obligation to prevent Jake from playing under *Wattenbarger*. He also *might* have reasonably foreseen the potential for exacerbation of the injury only minutes after the original injury, making Sanderson negligent under *Kleinknecht*.

This is up for some debate. If Coach Sanderson had compelling, professional reasons for allowing Jake to go back in, based on his own experiences, he might well have acted in good faith, though it would probably be appropriate to allow a court of law to determine that fact.

Action: Jake Grimes stated he was well; Coach Sanderson permitted the practice. Jake exacerbated his injury.

It is at this point that Coach Sanderson almost certainly crossed the line into negligence. He certainly should have known after two injurious incidents that Jake was not well enough to practice or play under *Wattenbarger*. Moreover, it was fairly obvious that there was potential for further injury, making Sanderson negligent under *Kleinknecht*.

Conclusion

While the coach may have observed what appeared to be a lack of injury at the conclusion of the practice in the third test, that does not withstand the tests established by *Wattenbarger* and *Kleinknecht*. It appears in the scenario that Coach Sanderson was, in fact, negligent, and is liable for Jake’s injury.