



Idaho High Court Calls Third Strike on "Baseball Rule"

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With baseball Opening Day less than a week away, the Idaho Supreme Court threw a curveball to stadium operators. While the opinion will not likely affect your plans to attend a Major League Baseball game in Boise any time soon, it does serve as a reminder about liability and risk as you head out next week to watch the national pastime.

The "Baseball Rule" generally provides that a baseball stadium operator is not liable for a foul ball injury as long as it screens the most dangerous part of the stadium and provides screened seats to as many spectators as may reasonably be expected to request them. In *Rountree v. Boise Baseball LLC*, No. 38966 (Idaho Feb. 22, 2013), the Idaho Supreme Court addressed a claim made by Mr. Rountree, who was hit by a foul ball while attending a Boise Hawks minor league baseball game. As a result of being hit by the foul ball, Mr. Rountree lost an eye.

The Idaho Supreme Court declined to adopt the "Baseball Rule." The Court found that the rarity of spectator injuries at baseball games weighed against adopting the "Baseball Rule." The Court left it to the Legislature to determine whether the "Baseball Rule" should be adopted. As a result, Mr. Rountree's case will proceed under the general duty of care owed to a business invitee: the landowner "owes an invitee the duty to keep the premises in a reasonably safe condition, or to warn of hidden or concealed dangers."

So remember the "Baseball Rule" next week and bring your trusty glove to catch those foul balls.