Case Brief

Avila v. Citrus Community College District (2003)

Anselmo v. Grossmont-Cuyamaca Community College District (2018)

Your name

Department name, Institution name

Course number: Course name

Instructor’s name

Due date

**Case Brief**

**Case:**

Avila v. Citrus Community College District (2003)

**Facts:**

Jose Luis Avila, a Rio Hondo Community College (Rio Hondo) student,

played baseball for the Rio Hondo Roadrunners. On January 5, 2001, Rio Hondo was playing a preseason road game against the Citrus Community College Owls (Citrus College). During the game, a Roadrunners pitcher hit a Citrus College batter with a pitch; when Avila came to bat in the top of the next inning, the Citrus College pitcher hit him in the head with a pitch, cracking his batting helmet. Avila alleges the pitch was an intentional “beanball” thrown in retaliation for the previous hit batter or, at a minimum, was thrown negligently. Avila staggered, felt dizzy, and was in pain. The Rio Hondo manager told him to go to first base. Avila did so, and when he complained to the Rio Hondo first base coach, he was told to stay in the game. At second base, he still felt pain, numbness, and dizziness. A Citrus College player yelled to the Rio Hondo dugout that the Roadrunners needed a pinch runner. Avila walked off the field and went to the Rio Hondo bench. No one tended to his injuries. As a result, Avila suffered unspecified serious personal injuries. Plaintiff sued defendant, a rival community college Citrus Community College District, for negligence. The player’s team was playing a preseason game against the rival college’s team when during the game, the player was hit in the head with a pitched ball. The player alleged the pitch was intentional or was thrown negligently. He also alleged the rival college was negligent in failing to provide medical care for him when he was in need of it, failing to supervise and control its team’s pitcher, failing to provide umpires or other supervisory personnel to control the game and prevent retaliatory or reckless pitching, and failing to provide adequate equipment to safeguard him from his head injury. At the trial level, the rival college demurred, contending it was immune from liability, and the trial court dismissed the action. The Court of Appeal reversed the trial court’s judgment and thus it was brought to the Supreme Court.

**Rule:**

Primary assumption of the risk arises when, as a matter of law and policy, a defendant owes no duty to protect a plaintiff from particular harms. Applied in the sporting context, it precludes liability for injuries arising from those risks deemed inherent in a sport; as a matter of law, others have no legal duty to eliminate those risks or otherwise protect a sports participant from them. Under this duty approach, a court need not ask what risks a particular plaintiff subjectively knew of and chose to encounter, but instead must evaluate the fundamental nature of the sport and the defendant's role in or relationship to that sport in order to determine whether the defendant owes a duty to protect a plaintiff from the particular risk of harm.

**Issue:**

Whether the doctrine of primary assumption of risk applies when the injured player voluntarily participated in the supervised school sports game in which he was hurt?

**Answer:**

No.

**Conclusion:**

The court concluded that California’s §831.7’s immunity protection did not extend to injuries sustained during supervised school sports, including participation in an intercollegiate baseball game, but that the rival college, as the host school, owed no duty to the visiting team’s player to prevent the home team’s pitcher from hitting batters, even intentionally. Additionally, the player’s complaint established he voluntarily participated in the baseball game, so his consent barred any battery claim as a matter of law. Thus, the doctrine of primary assumption of the risk barred any claim predicated on the allegation that the rival college’s pitcher negligently or intentionally threw at the player.

The appellate court’s judgment was reversed.

**Anselmo v. Grossmont-Cuyamaca Community College District (2018)**

Another similar case was observed for Anselmo v. Grossmont-Cuyamaca Community College District (2018). A member of the Pierce College Women’s Volleyball team, which had travelled to Grossmont College to participate in an intercollegiate beach volleyball tournament, was injured when her knee hit a rock that was in the sand during the tournament. She filed claims for negligence and dangerous condition of public property against Grossmont-Cuyamaca Community College District. The trial court dismissed her claims, citing the field trip and excursion immunity. She appealed, arguing that the immunity did not apply to the district hosting the event.

The Court of Appeal reversed the lower court’s ruling. It held that field trip immunity did not extend to claims by a student of one college against another college hosting a sporting event for students when the injury sustained was due to a dangerous condition on the athletic facility provided by the hosting college. Previous cases recognized that the Legislature granted immunity for field trips and excursions to enhance and enrich the educational goals of schools by reducing costs caused by the exposure to additional liabilities which may accrue. (Ed. Code, § 35330.) For example, in Sanchez v. San Diego County Office of Education (2010) 182 Cal.App.4th 1580, the Court of Appeal applied this immunity to claims by a student attending a camp run by a county office of education. The Court in Anselmo found the facts distinguishable because the hosting college did not conduct or operate the student’s school’s travel and, as the receiving or hosting site, it had the responsibility to provide a safe beach volleyball court in accordance with any applicable regulations. The Court also looked at the regulatory authority for community college districts to conduct “field trips or excursions.” (Cal. Code Regs., tit. 5, § 55220.) It found that the hosting district did not conduct a “field trip” for the student within the meaning of section 55220 and Sanchez.

The Court reiterated the California Supreme Court’s holding in Avila v. Citrus Community College District (2006) 38 Cal.4th 148, 162, that a district which hosts an interscholastic athletic event owes “a general duty to all participating teams—both home and visitor—to avoid acts or omissions that materially increase the risks to participants beyond those inherent in the sport.” The Court further reasoned it was incongruous for the hosting district to acknowledge it would have lacked immunity from liability had one of its own students been injured on the same rock, but then assert immunity for an injury to a visiting athlete. Accordingly, the Court determined the trial court should not have dismissed the claims and remanded the case for further litigation. In the case of Anselmo, The Court of Appeal reversed the dismissal. The Court explained that a school district hosting an interscholastic athletic event owes a general duty to “all participating teams – both home and visitor – to avoid acts or omissions that materially increase the risks to participants beyond those inherent in the sport.” As a result, the Court held that Grossmont’s attempt to use field trip immunity as a defense was “absurd and unfair.” Once the visiting teams arrived at Grossmont and the competition was underway, Grossmont had an ongoing responsibility to provide a “reasonably safe premises” – a responsibility which was not eliminated by field trip immunity. Although Pierce College did have the responsibility to transport the player and her teammates safely, Grossmont still had the duty to provide reasonably safe facilities for the use of all of the participating teams once they arrived at the school.

This case clarifies the scope of the field trip immunity by explaining that the immunity will not apply to protect a district hosting an athletic event from claims by visiting student athletes who are injured while using the athletic facilities provided. This serves as a reminder that any district hosting an interscholastic athletic event and other activities for visiting students need to be vigilant and ensure that their property and athletic facilities are maintained in a serviceable and safe condition to avoid liability. This case highlights the importance of public entities maintaining their property in a safe condition.

Schools and colleges receive multiple benefits from interscholastic and intercollegiate competition. Therefore, hosting schools should be liable and responsible to visiting team. Without a visiting team, there will be no competition. Intercollegiate competition allows a school to, on the smallest scale, offer its students the benefits of athletic participation and, on the largest scale, reap the economic and marketing benefits that derive from maintenance of a major sports program." In light of those benefits, we hold that in interscholastic and intercollegiate competition, the host school and its agents owe a duty to home and visiting players alike to, at a minimum, not increase the risks inherent in the sport. Schools and universities are already vicariously liable for breaches by the coaches they employ, who owe a duty to their own athletes not to increase the risks of sports participation. (Kahn v. East  
Side Union High School Dist., supra, 31 Cal.4th at pp. 1005-1006.). Protection for home and visiting players should be prioritized. Government Code section 835 provides "Except as provided by statute, a public entity is liable for injury caused by a dangerous condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of the kind of injury which was incurred, and that either: "(a) A negligent or wrongful act or omission of an employee of the public entity within the scope of his employment created the dangerous condition; or"(b) The public entity had actual or constructive notice of the dangerous condition under Section 835.2 a sufficient time prior to the injury to have taken measures to protect against the dangerous condition." while the schools planning and taking these trips enjoy the protections of field trip immunity, the entities hosting these events do not. As a result, event hosts should be vigilant both before and during a scheduled event. Owners and operators of such public and private properties should use reasonable care not only in preparing their facilities for use by visiting students and teachers, but also in inspecting and maintaining their facilities while a field trip, competition, or other event is underway. In welcoming schools to visit their facilities, hosts should have adequate staffing available to address any potential safety concerns throughout the course of any educational event.

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