

Boo!

1530 - Haunted House Negligence - Man sustains a broken leg descending a slide chute at a charity haunted house

Morrow v. Lawrenceburg Lion's Club,

97 CI 0240

Plaintiff: Deno Capello, *Weinberg & Capello*, Lexington

Defense: Christopher O'Bryan, *O'Bryan Brown & Toner*, Louisville

Verdict: Zero Verdict

Circuit: **Anderson**, J. Stewart,

5-11-00

In the fall of 1996, the Lion's Club in Lawrenceburg undertook to operate a charity "haunted house." The selected location was the old Lawrenceburg Hotel near the courthouse. This haunted house, entitled the "Hotel Hell," featured across two floors of the hotel, the normal regimen of scares, including skeletons and demons. The designer of the house indicated that he tends to develop a cumulatively building frightful theme and storyline that ends with a significant event. For the plaintiff, Gary Morrow, that is exactly what happened, but in a different way than anyone had expected.

This same fall, Morrow, age 47, was persuaded to visit Hotel Hell by his sons. On 10-26-96, they visited the haunted house and passed through the assorted rooms and events without incident. As the haunted house was ending, Morrow was advised to sit down in a narrow and darkened passageway. He was advised by the guide at this point to keep his feet together and his hands in his lap.

An instant later, Morrow was descending a specially designed fifty foot slide chute from the second to the first floor. However, before he could safely complete this last stage of the house, he became turned in the chute and his leg shot through the wood siding of the chute. As he continued forward, the twisting impact resulted in a broken ankle.

He was taken to the hospital where a pilon fracture was diagnosed and treated surgically by Dr. Joseph Dobner, Orthopedics, Frankfort. For a time after the incident, Morrow was forced to use a cane, and he reports continuing and painful swelling in his ankle. Plaintiff's medicals were \$31,317 and \$22,000 was sought for future care. Employed at Universal Fasteners, he sought lost wages of \$5,186, plus permanent impairment damages. The injury has also ended his part-time participation in the Army Reserve. His wife, Frieda, also presented a consortium claim.

In this lawsuit, Morrow sued the Lion's Club for negligence regarding the slide chute. Particularly, he criticized the narrow, darkened and steep chute, for which there was no warning of what was to come. The defense countered on liability that the chute was safely and properly constructed. Moreover, the injury resulted because Morrow failed to follow directions by keeping his legs together. On damages, the Lion's Club noted that Morrow was now well-recovered from this incident.

The jury was instructed and considered the duties of the Lion's Club to maintain the slide in a reasonably safe condition. Before reaching damages, the jury was also to rule on Morrow's duties and apportionment. The panel found no deviation by the defendant and didn't reach the other matters, awarding plaintiff nothing. As of 5-24-00, no judgment had been entered in the court record.

This verdict comports with other results against "do-gooder" defendants, i.e, not-for-profit parties. In two other such cases there were also defense verdict: (1) a car full of women was run off the road by a truck driven by Goodwill, and (2) a woman was struck by golf cart operated by the local town festival. **See** Case No. 353 & 598, respectively, both contained in the KTCR 1998 *Year in Review*.