

GIL FRIED & ASSOCIATES
ANALYZING AND MANAGING RISK FOR 10 YEARS

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EXPERT WITNESS CASE LOG (11/11)

The following are representative cases in which Gil Fried has been personally retained as an expert witness or which he provided consulting/litigation management services.

- 1) Baseball case- Assisted plaintiff counsel in a case brought by a pitcher against the Cincinnati Reds for personal injury during a baseball try-out. Provided economic analysis concerning potential income and damages estimation. 1993
- 2) Boxing case- Assisted a fitness facility sued by a professional boxer who injured himself on a stair climbing machine. Provided economic analysis concerning potential income and damages estimation. 1994
- 3) Track and field case- Assisted a plaintiff's counsel whose client was hit in the head with a shot put. Provided a court filed affidavit in defense of a summary judgment motion relating to government immunity and whether leaving shot-put lying around constituted gross negligence. 1995
- 4) Stadium safety cases- Assisted the University of Wisconsin in defending 11 cases brought by fans injured in a stampede during the 1993 Michigan v. Wisconsin football game. Provide complete case evaluation assistance and served as the exclusive expert witness concerning liability, stadium security and proper security procedures. 1995-1996
- 5) In-line skating case- Assisted a plaintiff injured in an in-line skating accident in her suit against the retailer. Provided complete case evaluation assistance and six hours of on-the-stand testimony. 1996
- 6) Fitness facility case- Assisted a Bally's fitness club in a case brought by a racquetball player who slipped on a court. Provided case evaluation and risk management consultation. 1997
- 7) Wrongful death case- Assisted the plaintiff in overcoming summary judgment motion concerning the death of a college football player at Alabama State University. Analyzed applicability of NCAA regulations to show a violation of ministerial obligations in order to overcome immunity defense which helped lead to a settlement. 1997
- 8) Logo dispute-Provided consulting services for a case brought by an artist against the Houston Rockets for failing to pay promised prizes. Provided valuation information concerning future value of licensed sporting goods sales. 1997

- 9) First amendment dispute-Helped defendant high school obtain appropriate expert witness and helped prepare the witness to defend against a suit brought by a disgruntled former high school athlete and his parents. 1998.
- 10) Sexual abuse case-Helped the plaintiff (six-year-old boy) as a litigation consultant and expert witness on risk management techniques to prevent sexual abuse. The case was brought against a school where the child was assaulted and raised negligent retention claims. 1998.
- 11) Wrongful death-Helped the plaintiff in analyzing the standard of care exercised by a night club owner where inadequate parking contributed to the decedent's death. Assisted in identifying additional expert witnesses. 1998.
- 12) Basketball injury valuation-Helped a defendant analyze the potential lost wages which could be anticipated by a professional basketball player who was injured on a charter airline flight. Assisted in identifying additional expert witnesses. Analysis led to a settlement over \$20 million lower than the initial demand. 1998.
- 13) Gymnastic injury analysis- Helped a plaintiff settle a case involving improper supervision and placement of a balance beam. 1999.
- 14) Archery case- Helped a plaintiff's attorney in establishing standards for designing and managing an archery shooting competition. Provided testimony through a telephone deposition. 1999-2001.
- 15) Basketball Paraplegia case- Helping defendants analyze basketball flooring concerns associated with a slip/trip and fall case that resulted in paraplegia. Provided all phases of discovery analysis and examined flooring "sweat" and ventilation issues. Telephone deposition given and cited in published appellate court decision. 2000-2003.
- 16) Soccer stampede case- Help the plaintiff analyze liability issues associated with a stampede at a Major League Soccer game. 2000-2002.
- 17) Baseball spectator injury case- Worked with a plaintiff's attorney to establish new standards for spectator injuries and to attack the assumption of risk doctrine as it applies to numerous distraction which takes the spectator's eyes off the game. Cited in published court opinion. 2000-present.
- 18) Gymnasium heat induced heart attack case- helped the defense establish proper industry standard for non-air-conditioned gymnasium and utilized mathematical formulas to calculate appropriate ventilation, air flow patterns and related analysis. 2000-2004.
- 19) Softball bat injury case- Worked with a plaintiff's lawyer on a case involving a bat that ruptured during play and a one-foot section went into the stands hitting a spectator in the head. Facility did not provide sufficient screening to protect patrons. 2000-2001.

- 20) Participant brawl in softball game- Worked with the defense attorney representing the softball complex and a national softball association regarding potential liability for a fight that occurred in a game with some people being seriously injured by other players using bats. 2000-2002.
- 21) Softball tournament activities- Worked with a plaintiff's lawyer to examine the duty owed to youth participants who travel to a tournament and get injured between games. 2003.
- 22) Recreation Paraplegia case- Expert for defense in a case involving a mountain biker who was injured when he went off trail and sued for failure to maintain and warn. 2003-2005.
- 23) Hockey puck cases- Worked with several attorneys in Michigan and Georgia on plaintiff cases involving fans injured when hit by foul pucks. 2002-2003.
- 24) Broken bat case- Worked with plaintiff's attorneys to examine issues associated with the safest areas in a ball park to determine if MLB or stadiums conducted any research to determine what is the most dangerous part of the park and to then install appropriate screening. 2003-2007.
- 25) Football spring training case- Worked with attorney for 8th grade student injured in spring high school drill. Issue revolved around coach's activities and violation of high school athletic association rules against contact. Deposition given. 2003-present.
- 26) Football spectator injury case- Worked with plaintiff's attorney for a case involving an elderly gentleman hit by high school football player going out of bounds. Issue revolved around adequacy of supervision and lack of room for spectators. 2003-2004.
- 27) Basketball brawl- Worked for a plaintiff attorney on a case where a participant was punched and seriously injured. Issue focused around rule enforcement and waivers not signed by participants. 2004.
- 28) Football Spectator injury case- Worked with plaintiff's attorney in a case involving a volunteer pulled from the stands to serve as a sideline judge and then was injured by a youth player going out of bounds. 2004-2006.
- 29) Baseball spectator case- Hired by plaintiffs lawyer for a case involving a youth baseball game where a parent came from the stands after being asked in the middle of a game by a coach to warm-up a new pitcher. Severe "walking dead," injury. 2004.
- 30) Mosh-pit case- Hired by defense to access crowd management procedures and "standards" when a plaintiff was severely injured in an alleged mosh-pit crushing accident. 2004.
- 31) Mosh-pit case- Hired by defense to access crowd management procedures and "standards" when a plaintiff was severely injured in an alleged crushing accident. 2004-2005.

- 32) Alcohol service case- Hired by defense for concessionaire regarding standards/practices related to alcohol service at NFL games. High exposure case where jury returned a verdict over \$100 million, Jury verdict overturned on appeal. 2004-2006.
- 33) Goal post case- Hired by defense to examine liability associated with goal post manufacturer when a goal post was torn down at a Ball State football game. 2004-2005.
- 34) Negligent Promotion case- Hired by plaintiff attorney in a case where a fan was injured when another fan dove for a free promotion given out at Bank One Ballpark. 2005-2006.
- 35) Foul Ball case- Hired by plaintiff's lawyer in a foul ball case where she was hit during batting practice and did not know that she could ask for screened seats at a Yankees game. 2005.
- 36) Mud Sliding case- Hired by defense in a case where an intoxicated fan at a country music concert dove into water and hit his head, causing quadriplegia. 2005.
- 37) Crowd accident case- Hired by defense attorneys for a fan's injuries that occurred at a KISS concert in FL. 2005-present.
- 38) Facility Security case- Hired by defense counsel in a case involving security procedures/training for a belligerent ticket purchaser at a concert venue. 2005.
- 39) Mosh Pit case- Hired by defense counsel for a case involving a youth who jumped into a mosh pit and injured another patron. 2005-2006.
- 40) Crowd rush case- Hired by defense counsel for school district when fans ran onto a basketball court and a player was injured. High caliber case involving national media exposure. 2005-2006.
- 41) Negligent security case- Hired by plaintiffs' counsel in a case where a patron brought a knife into a night club and stabbed a patron. 2006.
- 42) Negligent security case- Hired by plaintiffs' counsel in a case where a patron brought a knife into a night club and stabbed/killed several patron(s). 2006-2007.
- 43) Collegiate athletics- Hired by plaintiff's counsel in a coaching termination case involving various claims. 2006-present
- 44) Hockey Brawl- Hired by plaintiff's counsel in a case involving an on-ice fight between hockey players. 2006.
- 45) Baseball player v. fan altercation- Hired by plaintiff's counsel in a case where a MLB pitcher threw a chair into the stands and hit a fan. This was a high visibility case with significant media attention and helped the Plaintiff receive a very favorable settlement based on negligent supervision/retention. 2006-2007.

- 46) Hockey Puck injury case- Hired by plaintiff's counsel regarding a case where the fan was sitting in the first row behind the glass dasher board, but was still hit by a puck. 2007-2008.
- 47) Negligent design of recreational facility. Hired by plaintiff's counsel in a case involving negligent design of a laser tag gaming area with a heavy bag placed in the middle of a path. 2007.
- 48) Negligent Hockey Promotion. Hired by plaintiff counsel in a case where a youth hockey organization was involved in a chuck-a-puck fundraising event and the plaintiff was hit in the head by one of the bucks. 2008-present.
- 49) Facility negligence case-Hockey puck. Hired by plaintiff counsel in a case involving a plaintiff hit by a puck in the stands. 2008-2009.
- 50) Facility negligence case- Hockey puck. Hired by plaintiff counsel in a case where a puck left the ice and flew between doors to hit a spectator outside the viewing area. 2008-present.
- 51) Negligent facility set-up. Hired by plaintiff counsel in a case where a field hockey game was negligently set-up with a tripping hazard. 2008-present.
- 52) Negligence hockey puck case. Hired by defense counsel in a case where a fan was sitting in an unprotected area of a hockey rink. 2008-present.
- 53) Crowd management case. Hired by defense counsel in a case at a major sport facility where a patron was injured when a fan fell on her. 2008-2010. Testified at trial and won a defense verdict.
- 54) Foul Ball Case- Hired by plaintiff's counsel in a case where a plaintiff was injured in a picnic area. 2008-present
- 55) Negligent Training- Hired by plaintiff's counsel in a case where a store employee did not properly educate/monitor a customer using a treadmill that threw the customer. 2008-2009.
- 56) Crowd management case. Hired by defense counsel in a case where a crowd movement injured several fans at an open air festival where Tool was playing. 2009.
- 57) Crowd management case. Hired by plaintiff's counsel in a case where an altercation broke out at a rock concert in Canada and a fan fell on top of another fan rendering one fan a quadriplegic. 2009-Present.
- 58) Crowd management case. Hired by plaintiff's counsel in a case where an entertainment establishment did not properly control a mass entry into a facility and a patron was knocked down. 2009.

- 59) Crowd management case. Hired by defense counsel in a case where a band member of an opening act allegedly tossed a bottle into the audience hitting a patron in the head. 2009-present.
- 60) Crowd management case. Hired by plaintiff's counsel in a case where ushers did not properly guide a patron to their seat and they fell during a lights-out period of a show. 2009.
- 61) Alcohol liability case. Hired by defense counsel in a case where an intoxicated patron was in a deadly automobile accident after leaving a college basketball game at MSG. 2009.
- 62) Crowd management case. Hired by plaintiff's counsel in a case where an argument at an amusement park ride entry point led to a large fight at the ride's exit. 2009-2011. Defense Verdict.
- 63) Crowd management case. Hired by defense counsel in a case at the Meadowlands where a fight broke out at an NFL game and fan was allegedly injured by the fighters. 2009-present.
- 64) Hockey puck- Hired by plaintiff's counsel in a case where a puck went through a set of doors and exited the other side hitting someone in the head. 2009-present.
- 65) Foul Ball case. Hired by plaintiff's counsel in a case where a ball went between two nets during warm-up hitting a young child in the head. 2009-present.
- 66) Crowd Management case-Hired by a large store chain in a case involving an alleged crowd rush at a Black Friday sale event. 2010-present.
- 67) Crowd Management- Hired by defense for a fan that was injured in a dome sports facility while watching a football combine. 2010.
- 68) Crowd management case- Hired by plaintiff's counsel in a case involving a fan who fell on another fan injuring them at a MLB stadium. 2010.
- 69) Crowd Management Case- Hired by defense counsel in a case where a crowd surfer was dropped on a fan. 2010.
- 70) Rule Development- Hired by defense counsel for a national educational association after an injured player claimed that the educational program/association should have somehow prevented the injury. 2010-present.
- 71) Spectator Injury Case- Hired by defense counsel in a case where a fan was hit by a volleyball during a major tournament. 2010-present.
- 72) Participant Injury Case- Hired by defense counsel in a case where a player allegedly tripped on divider netting during a volleyball tournament. 2010-present.

- 73) Participant Injury Case- Hired by defense counsel in a case where a player was injured during a football combine when he was hit in mid-air by another participant and whether combine participants should have worn helmet. 2010-2011. Testified at trial-Defense Verdict
- 74) Damages Case- Hired by defense counsel to ascertain the potential future value of a basketball player injured during a workout. 2010-present.
- 75) Crowd Management Case- Hired by defense counsel for a large sport complex for claims associated with injury to patrons on an escalator that malfunctioned after an NFL football game. 2010-present.
- 76) Crowd Management Case- Hired by plaintiff counsel in a case where a fan was attacked at a major stadium after complaining twice about other fan conduct and ushers did nothing in response. 2011-present.
- 77) Foul Ball case- Hired by plaintiff counsel in a case where a boy was hit by a foul ball while sitting in a picnic area. 2011-present.
- 78) Baseball case- Hired by plaintiff counsel in a case where a ball went through a "L" screen striking a pitcher in the eye. 2011-present.
- 79) Soccer Facility case- Hired by Defense (both referee and facility) in a case where a player dove to block a shot and broke another player's leg. 2011-present.
- 80) Baseball Traumatic Injury Case- Hired by defense in a case where a ball hit a child above the heart causing heart stoppage and severe brain damage. 2011-Present.
- 81) Basketball boundary case- Hired by defense in a case where a recreational basketball player went out of bounds and ran into a desk. 2011-Present
- 82) Physio Ball case- Hired by defense in a case where a weight lifter was working out on a physio ball and it ruptured. Represented the fitness club where the incident occurred. 2011-Present.
- 83) Spectator Death case- Hired by plaintiff counsel in a case where a spectator fell to his death while leaving a concert at a major arena. 2011. Testified at Trial.
- 84) Crowd Management case- Hired by plaintiff's counsel in a case where a security guard was injured by a crowd surfer coming over a barrier. 2011- Present.
- 85) Crowd Management case- Hired by plaintiff's counsel for a small venue concert case where an obese concert goer dove off the stage landing on an unaware patron. 2011- Present.
- 86) Sport Participation case- Hired by defense counsel in a race case where a participant was injured and became quadriplegic after diving into a mud pit. 2011-Present.

46 Plaintiff cases, 40 Defense cases- through #86

2000-present cases by name depositions or trials

Swindell v. Central Michigan Sportsman's Club (Grand Rapids, MI) Deposition

Parnes v. Camp Ashreinu of Cincinnati (Cincinnati, OH) Deposition

Durrance v. Hardee County School Board- (Hardee County, FL) Deposition

Schriber v. JCC (New Orleans, LA) Deposition

Berg v. Hamden Hall (New Haven, CT) Deposition

Friedler v. Town of Madison, Deposition

Verni v. Lanzaro (NJ) Report, Deposition, Trial Testimony

Cunningham v. District of Columbia Sports and Entertainment Commission (DC) Deposition

Walker v. Clear Channel (MD) Deposition

White v. Watts & Sims (MD), Deposition and Trial

2008-present

Bueno v. Texas Rangers (Oakland, CA), Deposition

Wetherbee v. Darien Ice Rink (CT), Deposition,

Elfman v. City of San Diego (CA), Deposition, San Diego

Novembre v. New Jersey Sports and Exhibition Authority (NJ), Trial- Docket No.: BER-L-251-07. Bergen County New Jersey

West vs. The Icarus Line (TX), Deposition

DOL v. Walmart (NY- Federal) Deposition

Dagesse v. Lake Compounce (CT) Deposition, Trial testimony

Dozier v. Shuman (TX) Trial testimony

Collins v. Atlanta Braves (GA) Deposition

Robles-Mayuri c. Connecticut Sports Center (CT) Deposition

Harris v. Schindler (NJ) Deposition

Campanga v. The Dug Out (NV) Deposition

Gomez v. City of Anaheim (CA) Deposition and Trial testimony

Risk Management Consulting

1) Serve as General/Special Counsel or advisor for various sport associations and work with them and their clients to handle various risk and safety concerns. These associations include the Sportsplex Operators and Developers Association (SODA), Resort and Commercial Recreation Association (RCRA), World Amateur Sports Association (WASA), Pop Warner Football and Little Scholars, and the International Association of Assembly Managers (IAAM). Assist organization in finding appropriate legal representation when necessary. 1994-present

2) Conducted risk management audit for a martial arts studio which produced a comprehensive facility audit for future safety updating. 1999. Have since conducted several audits of schools, gyms, parks, and even a city's municipal departments.

3) Provide support to Sadler & Co. clients in addressing risk management issues. Sadler & Co. is one of the largest sports insurance brokers in the United States. 1997-present. Helped design the sexual abuse prevention program for Dixie Baseball League.

- 4) Developed the educational material and curriculum for the IAAM's Academy for Venue Safety and Security, which is endorsed by MLB, NF, DHS, and others as an intensive four day training program for security/safety officials at public assembly facilities.
- 5) Hired by a large housing development in Houston to help create appropriate signage to reduce the risk of injury at parks and other recreational areas.
- 6) Served as Director of Risk Management for a large facility management company (OR&L Facility Management) and assisted with facility audits and other risk management strategies.

My expert witness work has been covered by the following publications:

New York Times, Sunday, October 6, 1996, Pg. 16
Washington Post, October 3, 1996
Los Angeles Daily Journal
Houston Chronicle, October 1, 1996, A21
Texas Lawyer, September 30, 1996, Pg. 5
The Plain Dealer, October 5, 1996
Sun-Sentinel, October 3, 1996
The Dallas Morning News, October 2, 1996
San Antonio Express-News, October 2, 1996
Orlando Sentinel, October 3, 1996
The Recorder, October 7, 1996, Pg. 4
AP Wire Service, October 2, 1996
CBS National Radio News, October 2, 1996
The National Law Journal, October 14, 1996
Houston Chronicle, January 9, 1997
The Dallas Morning News, January 10, 1997
The Fort Worth Star-Telegram, January 10, 1997

My research into sport litigation abuse was highlighted in congressional hearing in the **House Report 108-682 - LAWSUIT ABUSE REDUCTION ACT OF 2004**

ABC News reported that:

When his 16-year-old son didn't get the most valuable player award, Michel Croteau didn't get upset. He hired a lawyer and sued his son's youth hockey league to the tune of more than \$200,000 . . . The Croteaus are not alone. In the last year, parents have filed more than 200 non-injury-related sports lawsuits against coaches, leagues and school districts in the United States, according to Gil Fried, a University of New Haven professor who specializes in sports law . . . The Butzke family sued the Comsewogue, N.Y., school district because their eighth-grade daughter was taken off the varsity high school soccer team. The Branco family took legal action against the Washington Township, N.J., school district after their son, David, was cut from the junior varsity basketball team . . . The Rubin family sued California's New Haven Unified School District for \$1.5 million because their son got kicked off the varsity basketball team . . . The family

felt James Logan High School Coach Blake Chong may have cost their son not just a scholarship, but an NBA career. 26

[http://www.congress.gov/cgi-bin/cpquery/R?cp108:FLD010:@1\(hr682\)](http://www.congress.gov/cgi-bin/cpquery/R?cp108:FLD010:@1(hr682))