

Personal Injury Lawsuit Throws A Curveball at New Jersey Youth Baseball Player

by Patrick McNamara on July 10, 2012

A Manchester Township woman who was hit in the face by an errant baseball is seeking \$500,000 in personal injuries and damages from the Little League player who threw the ball. Although the New Jersey lawsuit may sound frivolous, it highlights the liability risks faced by youth sports organizations and municipalities.

The lawsuit claims that Matthew Migliaccio was negligent and careless by “engaging in inappropriate physical and/or sporting activity” near the plaintiff, causing her to be struck by the baseball. She alleges that she suffered multiple facial fractures, underwent reconstructive surgery, and still suffers headaches two years after the injury.

Meanwhile, Migliaccio says he was just helping a pitcher warm up in the bullpen and accidentally overthrew the ball into the nearby picnic area. He also claims that he apologized to the plaintiff at the time of the accident, and she stated she was ok. Migliaccio’s attorney argues that being hit by an errant baseball is a known risk at a youth baseball game and maintains the suit is meritless.

While this lawsuit is hopefully an isolated event, it could give rise to a new breed of injury claims by spectators. While the lawsuit targets the then eleven-year-old player, it could have also named Little League Baseball Inc. for conducting the game, Manchester Township may also face claims under the New Jersey Tort Claims Act as a potentially liable party. At a minimum, coaches need to supervise pitchers and catchers who are warming up in an area that is close to any spectators. As someone who recently finished his thirteenth year as a baseball coach, I can sympathize with volunteer coaches who don’t need to face this kind of litigation.

With this in mind, it is imperative for youth sports programs and municipalities to review their insurance policies. While local leagues are required to carry accident insurance, most policies only cover players and coaches and may not extend coverage to spectators. In addition, if there are any signs at baseball fields, they generally only warn about the risk of foul balls and do not include overthrown balls.

Although this case may be a rarity, it shows how one injury can lead to exposure to six figure personal injury claims and the expense of thousands of dollars in legal fees. Therefore, it is always advisable to consult with an experienced New Jersey lawyer to determine the broadest legal protections available.