

# Trial Court Determines No Negligence in Accident Caused by Party Guest

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A trial court determined that parents have no duty to protect a party guest against the spontaneous, unexpected actions of another guest.

In the unpublished case of Meghan Craig, by and through her g/a/l, Michael Craig, Individually, v. Scott Margulis, et al., the Appellate Division shed light on a homeowners' liability for an accident that occurred during a party. A 14-year-old plaintiff attended a holiday party at the home of her friend, the defendants' daughter. About 10 kids were at the party, including defendants' son and some of his friends. The defendants were the only adults present.

At some point during the evening, the children went outside to play. After watching the defendants' son use a zipline, the plaintiff asked to use it and the defendants' son instructed her on how to do so. On the plaintiff's third use of the zipline, a boy grabbed her foot and caused her to fall about six feet directly onto her head and neck. As a result, the plaintiff received extensive medical treatment for her injuries and filed a lawsuit against the defendants.

## Negligence or Not?

The plaintiff alleged the defendants negligently supervised the children at the party and that the defendants' negligence was the cause of her fall. After discovery, the defendants filed a motion for summary judgment which the trial court granted.

The trial court reasoned that the mere showing of an accident causing injuries is not sufficient alone to prove a negligence claim. Rather, a party must prove that a person was negligent, and that the person's negligence caused the accident. The court looked to prior situations involving similar facts

wherein the court determined that parents have no obligation to constantly supervise teenage guests to ward one of them against spontaneously engaging in negligent behavior against another. In addition, the court noted that there was no evidence that the defendants knew or should have known of a need to exercise control over a particular individual.

## Appellate Division Affirms

On appeal, the Appellate Division affirmed the decision of the trial court. The court noted that plaintiff never asserted that the zipline was a dangerous instrumentality which would have required the defendants to exercise a greater degree of care or to warn plaintiff of its potential dangers. As the trial court noted, the Appellate Division reasoned that there was no evidence that defendants knew or should have known of a need to exercise heightened control over a particular child.

## The Takeaway

In situations involving a dangerous activity on property, an injured individual should contend that the activity was a dangerous instrumentality to potentially avoid their case being dismissed. Parties must also engage in extensive discovery regarding the parents' and/or hosts' knowledge of the children involved in a particular incident. For example, if the defendants in this case knew that a particular child had a grudge against another child, the outcome of the case may have been different.

This case is a prime example of the fact-sensitive nature of any personal injury claim. Therefore, if you or a loved one have been injured, please contact the [personal injury attorneys](#) at Einhorn Barbarito for an in-depth review of your case.