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Pierre v. Ramapo Cent. School Dist.

Supreme Court, Appellate Division, Second Department, New York - January 14, 2015 - N.Y.S.2d - 2015 N.Y. Slip Op. 00348

Student was injured while competing in her high school's "self-defense tournament," a voluntary competition open to female students who were enrolled in a self-defense class taught by physical education teacher. The self-defense class was one of several electives that female students could take to satisfy the district's physical education requirement.

Plaintiffs alleged that, since the self-defense class was in actuality a mixed martial arts class, the defendant breached its duty of care to the infant plaintiff by allowing the class to be instructed by a person with little martial arts training, and allowing that person to referee the tournament. The plaintiffs contended that the students in the class were not properly or sufficiently trained and that teacher did not have the requisite knowledge and experience to recognize the dangers posed by the moves being performed in the tournament.

The defendant moved for summary judgment dismissing the complaint, arguing that the doctrine of primary assumption of risk barred the action and that any negligent supervision on its behalf was not a proximate cause of the infant plaintiff's injuries in any event.

The appellate court denied defendant's motion, holding that:

- Student had not, by voluntarily participating in the self-defense tournament, consented to the risks associated with the move that ultimately caused her injuries; and
- Defendant also failed to establish, prima facie, that its alleged lack of adequate supervision was not a proximate cause of the infant plaintiff's injuries.