

# **Bond Case Briefs**

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## **IMMUNITY - NEW YORK**

### **Katleski v. Cazenovia Golf Club, Inc.**

**Court of Appeals of New York - April 15, 2025 - N.E.3d - 2025 WL 1108976 - 2025 N.Y. Slip Op. 02178**

Golfer brought action against golf club seeking damages for injuries sustained when he was struck by errant golf ball while participating in golf tournament.

The Supreme Court, Madison County, denied golf club's motion for summary judgment, and it appealed. The Supreme Court, Appellate Division, reversed. Leave to appeal was granted. In separate action, patron brought action against county, its parks department, and its golf course for personal injuries allegedly sustained when golf cart that she was operating in golf course's parking lot was struck by motor vehicle. The Supreme Court, Erie County, granted patron's motion to strike defendants' primary assumption of risk defense and denied defendants' motion for summary judgment, and they appealed. The Supreme Court, Appellate Division reversed. Leave to appeal was granted.

The Court of Appeals held that:

- Primary assumption of risk doctrine barred golfer's claim in first action, but
- Primary assumption of risk doctrine did not apply to bar patron's claim in second action.

Golfer assumed risk of being struck by golf ball while participating in golf tournament, and thus primary assumption of risk doctrine barred his claim against golf club for damages for injuries sustained when he was struck by errant golf ball while participating in golf tournament, despite golfer's contention that placement of tee box on adjacent hole increased risk to players on fairway beyond what they faced prior to box's installation or might have faced had barrier or other protective measure been implemented, absent evidence that course design unreasonably enhanced inherent risk of being struck by ball beyond what was customary in sport.

Patron was not engaged in athletic and recreational activity when golf cart that she was operating in golf course's parking lot with intention of retrieving her golf clubs from her car collided with car that was exiting, and thus primary assumption of risk doctrine did not apply to bar her negligence claim against county, its parks department, and its golf course to recover for her personal injuries.