

**MANAGING PREMISES LIABILITY
CLAIMS IN SPORTS AND/OR
ENTERTAINMENT FACILITIES**

January 25, 2012

Anaheim, California

Moderator: Brandon Mead

**Panelists: David Cohen, Michael Baroni,
Katie Rodin**



Moderator and Panelists

- **Brandon Mead**
 - Chapman University School of Law
- **David Cohen**
 - Angels Baseball LP, General Counsel
- **Michael Baroni**
 - Palace Entertainment, General Counsel
- **Katie Rodin**
 - Anaheim Ducks Hockey Club & Honda Center,
Assistant General Counsel

Format...

- A tip will be displayed on the screen.
- Panelists will have 60 seconds to discuss.
- If they cannot finish in that time, too bad.
- Next tip is displayed on the screen.

■ Hire outside inspection experts.

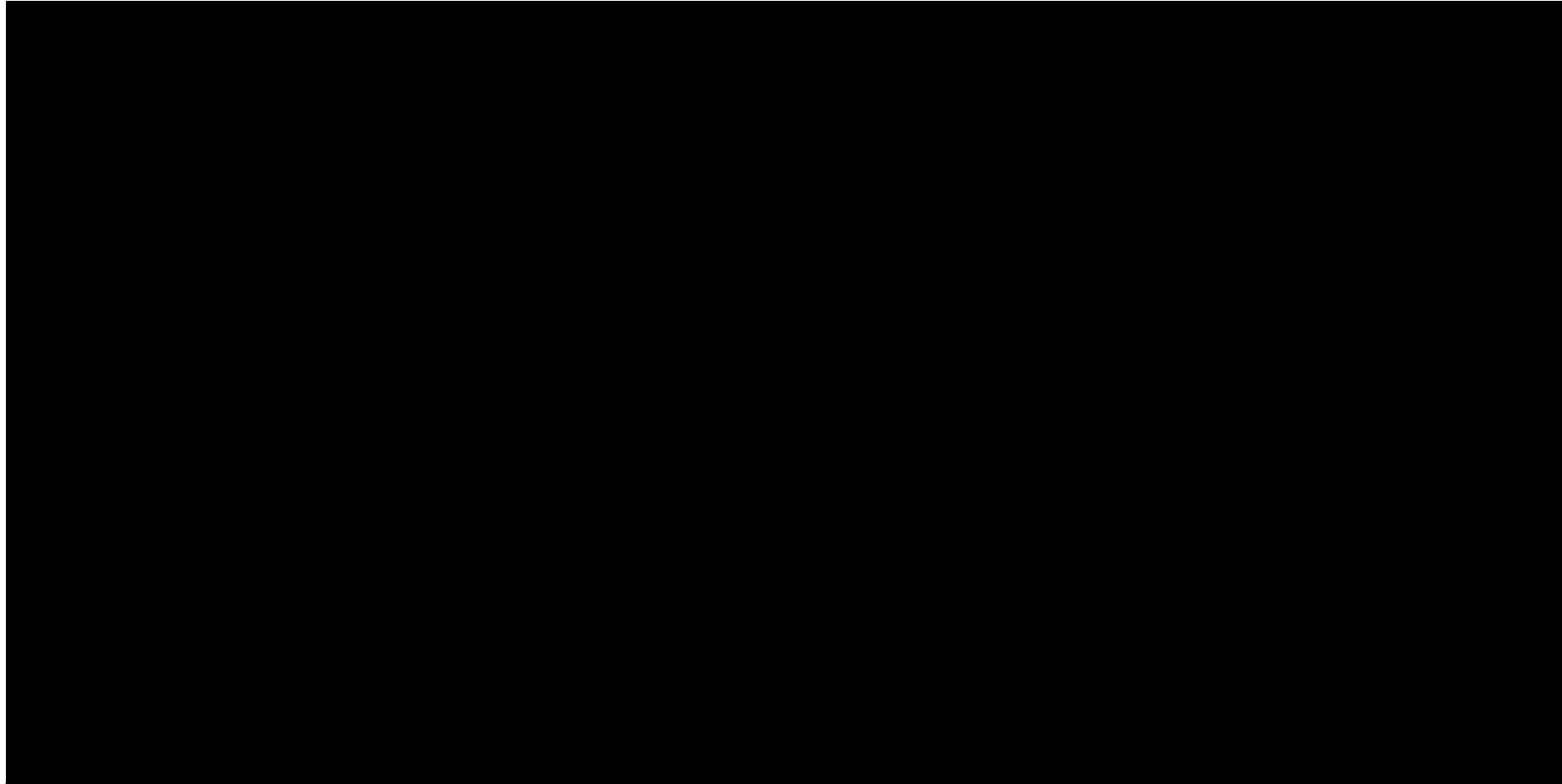
- **Review your on-site vendor agreements to ensure facility-friendly indemnification language exists.**

■ Mind customer service.

■ “Secret Shopper” (incognito inspections)

- Train employees to identify potential risks.

■ Be flexible and agile



- **Strict termination standards for safety infractions.**

- **Designate a single individual to receive all incident reports and ensure proper handling and flow of information.**

■ **Be firm.**



■ Relentlessly fight claims

- **Be familiar with key terms of your insurance policies to ensure proper handling and flow of information.**

■ **The best defense can be a good offense.**

■ Security cameras.

- **Maintain a litigation checklist with target dates.**

■ **Make a federal case out of it!**

■ Foreseeable idiocy.

- **If a patron is injured on the premises, be prompt, courteous and caring.**

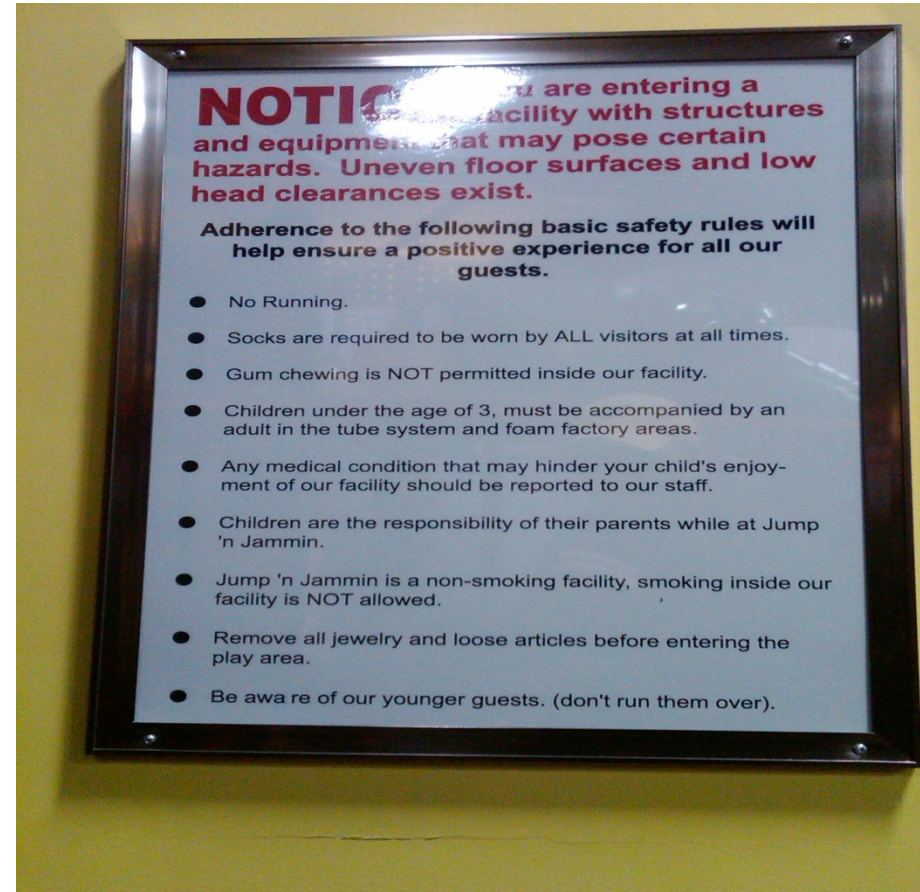
■ Is there a middle ground?

■ Perform a claim autopsy.

- **Consider use of an outside security company.**

- **Exclusive relationships with the right firms.**

■ Sign, sign everywhere a sign.



- **Train staff regarding alcohol and drug awareness.**

- **Track safety incidents/regular review.**

■ Information is not as good as addition.

- **Ensure each employee knows the incident reporting process.**

- **Launch a safety 1st campaign.**

■ **Have a playbook.**



- **When gathering responses to discovery, keep your employees informed.**

■ Training to combat admissions of guilt.

■ Pass the buck.

Mrs. Rodin

- **Work with upper level management to create a claims and risk policy.**

■ Designing out human behavior.

■ **The fewer the merrier – don't share the wealth.**

- **Thoroughly train servers of alcohol and consider minimum drinking age.**

- **Designing out both physical and process hazards.**

■ **Do some recon.**

- **Maintain a healthy relationship with on-site vendors.**

■ Employees as witnesses (good and bad).

■ Discover social issues.



- **Review discovery responses and motions with future claims in mind.**

- **Evidence collection and preservation at time of accident.**

■ **When one fight ends another may begin.**

- **Use each premises liability claim as a learning and teaching opportunity.**

Mr. Baroni

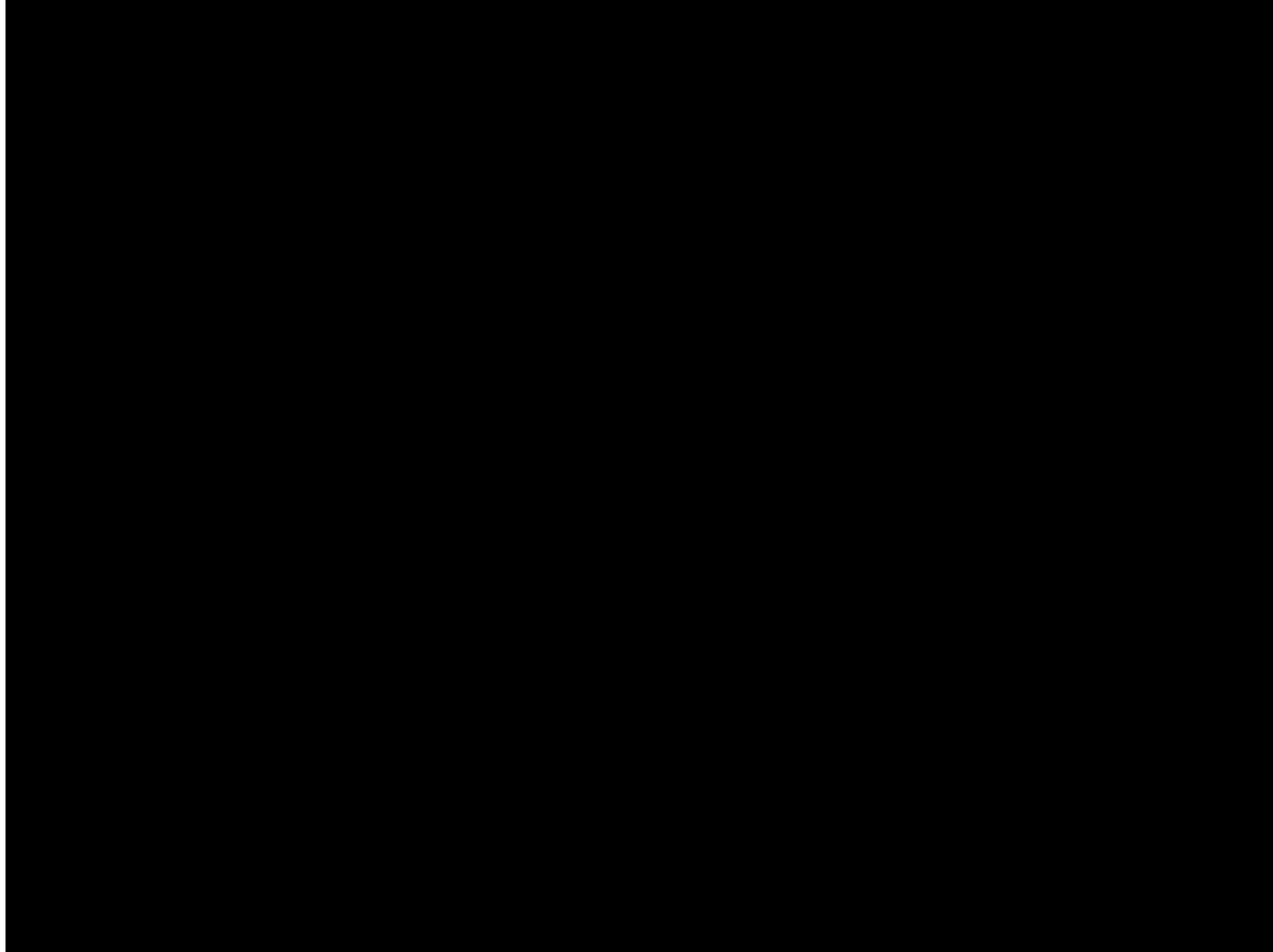
■ **Don't live in a box.**



Significant Take-Away Points

- **Take-Away Point #1 – Mr. Baroni**
- **Take-Away Point #2 – Mrs. Rodin**
- **Take-Away Point #3 – Mr. Cohen**

Questions?





8th Annual In-House Counsel Conference
January 11, 2012 (Beverly Hills, CA)
January 25, 2012 (Anaheim, CA)

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#IHCC12



Michael L. Baroni – General Counsel, Palace Entertainment

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Current Position:

General Counsel, Palace Entertainment. World's 3rd largest amusement park company, with 40 parks in the USA, including America's oldest park (Lake Compounce in CT, 1847), the world's #1 rated roller coaster park (Kennywood, in PA), world's #1 rated kids park (Idlewild, in PA), *Boomers!*, Raging Waters, L.A. Speedzone, Silver Springs nature preserve in Florida, and Sea Life in Hawaii (swim with the dolphins!).

Career Highlights:

- “Top Attorney” in Orange County – *OC Metro* magazine
- Professional Excellence Award
- “Most Innovative Legal Department” Award, *Inside Counsel* magazine
- *Super Lawyer*
- Board of Directors, Orange County Bar Association (“OCBA”)
- Founder & Chair, *Entertainment, Sports & Marketing Law* – OCBA
- Board of Directors, California Attractions & Parks Association
- Board of Directors, Constitutional Rights Foundation
- 100+ articles published (*New York Times*, *National Law Journal*, *Cosmopolitan*, etc.)
- Media appearances include *Access Hollywood*, *Inside Edition*, MSNBC, 20+ radio stations

Education:

- Hofstra U. School of Law
 - *Hofstra Property Law Journal*
 - *Hofstra Entertainment and Copyright Law Digest* – Managing Editor
 - 1st Place - ASCAP Competition (papers on copyright law)
- Boston College
 - Honors, English Department & Senior Thesis
 - Track & Field: Javelin Medalist - Big East Championships; Academic All-American (NCAA)

David S. Cohen is director, Legal Affairs & Risk Management for Angels Baseball LP in Anaheim, California. He is responsible for drafting and negotiating contracts with sponsors, vendors, unions, employees, and Suiteholders. He assists with selecting potential draftees and free agent players, and is involved with all aspects of claims from prevention and incidence through litigation. Mr. Cohen occasionally litigates cases. He recently secured a \$1.4 million dollar judgment in favor of the Angels. Mr. Cohen also provides legal support to the Angels flagship radio station AM830 KLAA.

Prior to joining the Angels, Mr. Cohen spent nine years as an athletic trainer in the Baltimore Orioles, Boston Red Sox, and Montreal Expos organizations. The Professional Baseball Athletic Trainers Society honored him as "Minor League Baseball Athletic Trainer of the Year" in 2001.

Mr. Cohen is a leader of the Tort, Trial, & Insurance Practice Section of the American Bar Association, Association of Corporate Counsel and ACC's Southern California Chapter (ACC-SoCal). He currently serves as Vice-President, Services of ACC-SoCal and is the Program Chair of the ACC Sports & Entertainment Law Committee. He is also a member of the ABA Forum on Entertainment & Sports Industries and Sports Lawyers Association. He is also a National Athletic Trainers Association certified athletic trainer.

Mr. Cohen earned a bachelor's degree in exercise physiology and a masters degree in community health education from West Virginia University and a Juris Doctor from California Western School of Law. He is also a graduate of the MLB's Scout Development Program.

Kathleen D. Rodin

Katie serves as Assistant General Counsel for Anaheim Ducks Hockey Club and Anaheim Arena Management (manager of the Honda Center). She also serves as Assistant General Counsel for The Rinks (operator of roller and ice rink facilities in Orange County). Her work includes managing all litigation, including premises liability matters, drafting and negotiating sponsorship, premium seating, concession, ticketing and event agreements, handling real estate matters and providing legal counsel to the executives and staff of the Ducks, Honda Center and The Rinks. Previously, she worked for a local law firm that specializes in real estate litigation and serves as general counsel to a number of companies located in Southern California. Katie received a Bachelor of Science, Business Administration from Chapman University and is a graduate of Chapman School of Law. She is an active member of the American Corporate Counsel Association and serves as Secretary of the ACC Sports and Entertainment Committee.

Brandon R. Mead

Brandon is a second year law student at Chapman University where he is concentrating on Entertainment and Sports Law. Brandon was fundamental in creating and hosting the First Annual Sports Law Symposium at Chapman University and hopes to use that success to create a journal focusing on Entertainment and Sports Law. Brandon spent his first year summer working for Michael Baroni with Palace Entertainment and the Orange County District Attorney's Office, Gangs Unit.