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MLB

LEGAL LOOK: DODGERS ACTUALLY ON HOOK FOR STOW VERDICT

ERIC MACRAMALLA, SPORTS LEGAL ANALYST
 7/10/2014 10:00:58 AM

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A jury has awarded Brian Stow about \$18 million for a brutal beating at the hands of Louie Sanchez and Marvin Norwood in the Dodger Stadium parking lot back on opening day in 2011.

On March 31, 2011, Stow and some friends went to a Giants-Dodgers game in L.A. Wearing his Giants jersey, Stow was taunted during the game. While leaving the game, he was savagely beaten into unconsciousness by Norwood and Sanchez. He was placed in a medically induced coma for several weeks and a portion of his skull was removed to relieve pressure on his brain.

Stow, a Santa Cruz paramedic and the father of two young children, was left with permanent brain damage, unable to work again and will require around the clock care for the rest of his life.

The jury found the Dodgers 25 per cent responsible, while Norwood and Sanchez were each found 37.5 per cent responsible. The liability of the Dodgers stems from providing inadequate security at the ballpark.

It's been reported that the verdict means that the Dodgers will pay \$4.5 million, with Norwood and Sanchez being on the hook for the remaining \$13.5 million.

That's not quite accurate. The Dodgers will have to pay the whole amount less \$3 million.

Under California law (where the trial was held), defendants in personal injury cases are considered "jointly and severally" liable for economic losses. That means that each defendant is ultimately responsible for the entire amount owed to the plaintiff even if he or she is only partly responsible. So if there are three defendants being sued, and two don't have any money, the third has to pick up the tab irrespective of his share of the liability.

So that means if the Dodgers were found to be only one per cent liable, the team would still have to pay just about the entire award (some have criticized this legal principle, saying that it unfairly allocates liability).

It's important to note, however, that under this legal principle, the Dodgers are only on the hook for Stow's economic losses. These are called "special damages" and include things like medical expenses, future medical expenses, loss of earnings and loss of future earnings. On the flip side, the Dodgers are not obligated to pay more than their share of "general damages", which includes pain and suffering and mental anguish.

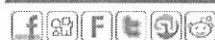
In the Stow case, special damages account for most of the award. According to my math, the jury awarded Stow \$14 million in special damages and another \$4 million for pain and suffering.

So while the Dodgers are only 25 per cent responsible for the \$14 million, they pay all of it because Norwood and Sanchez can't pay. On top of that, they only pay \$1 million of the \$4 million pain and suffering award.

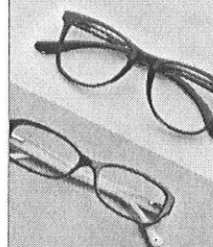
So that grand total for the Dodgers is \$15 million of the \$18 million despite only being 25 per cent responsible. The Dodgers could turn around and sue Norwood and Sanchez, but since they have no money, it's probably pointless.



(Photo: The Canadian Press)

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MLB: Nationals 3, Orioles 4



Steve Pearce ended Gio Gonzalez's 22 scoreless-inning streak in the first and the Orioles extended their AL East lead over the Blue Jays to three games.

MLB: Yankees 3, Indians 9



Roberto Perez went deep in his major league debut as the Indians exploded for nine runs in the final two innings to earn a four-game split with the Yankees.

Time For Blue Jays To Step Up



With so many injuries to the Blue Jays right now, who should they be looking at to step up? Dan Shulman answers this and other questions surrounding the AL East.

Tanaka Out Six Weeks



ESPN's Dallas Braden discusses Masahiro Tanaka's partial torn ligament in his throwing arm, which is expected to keep him out at least six weeks.

Morneau Added To Home Run Derby



After missing out on the NL All-Star team, Rockies first basemen Justin Morneau has been selected to the Home run derby at Target Field.

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By the way, the jury didn't find former Dodger owner Frank McCourt liable. While McCourt was not beloved by Dodger fans or Major League Baseball, that is the right finding. It can be very tough to find an owner responsible in a case like this. Generally, liability will be assigned to the company and not the person running it. McCourt did not assault Stow and should not be liable for his customers engaging in reprehensible behaviour. It's not inappropriate, however, to find a team partly responsible in certain circumstances.

Finally, according to this Court Order, Stow has agreed to only seek money from the 17 Dodgers insurance policies and not the team itself. While these insurance policies are unavailable, the Dodgers have said they are worth \$300 million. So Stow should get his money. The Court Order was part of a deal to get the Dodgers, who were in bankruptcy court, to agree to move the trial from bankruptcy court in Delaware to a more favourable venue for Stow, namely, a California court.

As a result of the incident, Stow's life and that of his young family have been forever and irreparably changed. This damage award will help, but of course will never return Stow to any type of normal life.

He and his family will always struggle.

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justin case
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If this assault happened on a street in L.A. would the city be held responsible for not providing enough police protection?

markus82
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For those asking, this was a civil trial, and earlier in a criminal trial the attackers got 8 years (Sanchez) and 4 years (Norwood) in jail, sentenced in Feb. 2014. Hopefully this civil settlement will allow Bryan Stow and his family to heal and recover some semblance of a normal life.

ghostrider5050
11 hours ago

Just about sums up what's wrong with this world.

eternalspirit
1 day ago

Those two idiots should get prison for life. They can't pay a dime so they get off with nothing? Ridiculous.

support local hockey
1 day ago

Not sure if the two attackers had jail time as part of this verdict. If not, then they should have, and a stiff sentence at that.

ab33
1 day ago

What happened to the 2 lowlifes that assaulted this man? I hope they ended up with significant prison time.

dowboy98
1 day ago

pepé le pew -- have more security?

pepé le pew
1 day ago

This is a terrible assault that happened to a baseball fan that should never happen. However, I find it unfair that the Dodgers are being held partly responsible for this incident. Not sure what they could have done to prevent this vicious attack?

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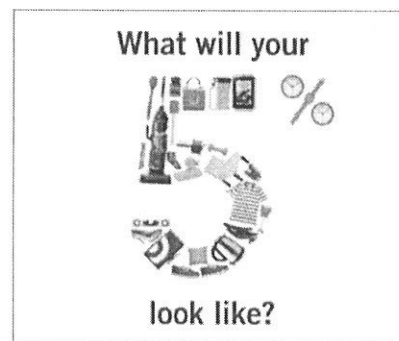
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TSN 1050: Late Night Game Night: Scott MacArthur - June 3rd

TSN 1050 Blue Jays Analyst Scott MacArthur joined Gareth Wheeler to recap the Blue Jays 5-3 win over the Detroit Tigers along with more Jays talk.

TSN 1050: The Baseball Podcast: May 28 - Episode 6

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