

# SPORTS FACILITIES

How the law affects the sports facilities industry

and the **LAW**

## Tapped Out: Alcohol Sales, Insurance Gaps, and Risk Management at University of Nebraska System Athletics

By Dr. Rachel S. Silverman

In October 2024, the University of Nebraska Board of Regents voted to approve alcohol sales at all athletic events across the NU system. The University of Nebraska-Lincoln (UNL) was the last Big Ten school to approve alcohol sales at football games. In addition to football, UNL now sells alcohol at baseball, softball, basketball, volleyball, and soccer games. The University of

Nebraska—Omaha (UNO) serves alcohol at hockey, basketball, volleyball, softball, baseball, and soccer events.

The University of Nebraska—Kearney (UNK) had advertised that it would sell alcohol at its first home football game on September 6, 2025. However, the day before the game, UNK released a last-minute announcement stating, “due to unforeseen issues with vendor insurance relative to university requirements,

## Fan Files Foul Ball Injury Lawsuit Involving Colorado Rockies

By Jeff Birren, Senior Writer

One summer day, Timothy Roeckel went to see the Colorado Rockies play the New York Yankees at Coors Field in Denver. He had been invited to attend the game in a “private suite”. In the first inning, Roeckel was hit in the eye by a foul ball, “causing catastrophic and permanent injuries.” A lawsuit followed. *Timothy Roeckel v. Colorado Rockies Baseball Club, LTD* (District Court, Denver Colorado, State of Colorado, Case Number 2025CV31799 (5-19-2025)).

### Background

Major League Baseball awarded Denver an expansion franchise in 1991. The

team began playing in 1993. Doubtless legislators went to see the team play as the State Capitol Building is less than three miles away from Mile High Stadium, where the team played during its first two seasons. In 1993, the state passed the “Colorado Baseball Spectator Safety Act of 1993.” Colorado Revised Statutes, (“C.R. S.”), §13-21-120 et seq, (“Act”). The Act became effective on January 1, 1994. The Act provides a general assumption of risk solely for spectators that attend professional baseball games, subject to certain exceptions. Coors Field opened in 1995. It is owned by Denver Metropolitan Major League Baseball Stadium District, but it is operated by the Rockies.

### INSIDE THIS ISSUE

AEG Names Adam Duvendeck General Manager of Dignity Health Sports Park **2**

Gfeller Laurie LLP Bolsters its Sports & Recreation Practice Group, Enhancing Legal Offerings for Sports Facilities **3**

Court Rules For University of St. Thomas in Arena Case **4**

Buffer Zones in Entertainment Venues – Considering the TopGolf Settlement **5**

The Handbook of Sport Security Is Now Available **5**

Pepperdine Athletics Announces Staff Promotions **5**

McStravick Embraces Sports Law, Helping Facilities with Various Legal Issues as an Attorney at Ricci Tyrrell **6**

Criminal Minds Impact the Sport Retail Space **7**

Research Suggests Women’s Sporting Events Are Big Wins for Cities **9**

Federal Lawsuit Challenges StubHub’s Ticketing Practices Involving Messi Experience **10**

Garrett Ton Named Associate Director of Athletics for Facilities & Events **10**

ACC Fines FSU for Field-Storming Incident **11**

# AEG Names Adam Duvendeck General Manager of Dignity Health Sports Park

AEG, a leader in sports and live entertainment, has announced the promotion of Adam Duvendeck to General Manager of Dignity Health Sports Park, Southern California's "premier 125-acre multi-sport and entertainment campus."

Over the past six years, Duvendeck held the positions of Assistant General Manager and Vice President of Operations, where he has been central to executing hundreds of events annually, including MLS Cup Championships, three NFL seasons as the interim home of the Los Angeles Chargers, the 2025 HSBC Rugby Sevens World Championships, the Ultimate Tennis Showdown, the 2024 Pan American Track Cycling Championships and numerous com-

munity events. His leadership has driven key infrastructure upgrades; advanced sustainability efforts focused on reducing food waste and enhancing energy



efficiency; and strengthened community engagement through youth sports clinics and local partnerships. Duvendeck, who joined AEG in 2011, has served as Interim General Manager since June.

As General Manager, he will oversee all facets of the day-to-day operations, venue management, event booking, and strategic planning for the entire complex, which includes the 27,000-seat stadium that serves as home to the six-time MLS Cup champion LA Galaxy. In addition, Duvendeck will oversee facility operations for multiple venues at Dignity Health Sports Park which has recently been selected to host five Olympic competitions during the 2028 Summer Olympic and Paralympic Games. Duvendeck, a two-time Olympian (2004, 2008), first became familiar with Dignity Health Sports Park (then the Home Depot Center) while training and competing during his professional cycling career.

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# Gfeller Laurie LLP Bolsters its Sports & Recreation Practice Group, Enhancing Legal Offerings for Sports Facilities

Gfeller Laurie LLP has announced the strengthening of its Sports & Recreation practice group with the opening of a new office in Denver. Leading that office are three highly experienced trial attorneys - Steve Zweig and Maryjo Zweig as Senior Counsel, as well as Brian Birenbach as Counsel.

"We are very excited to welcome Steve, Maryjo, and Brian to the firm. They are among the most qualified attorneys handling ski litigation and risk management in the United States," said co-founding partner, Charles F. Gfeller. "For years they have worked to protect the interests of ski areas in New York, and we plan to accept the torch from them with pride and a sense of continued responsibility. As a firm, we are also eager to expand the reach of our ski litigation presence into Colorado."

Gfeller Laurie's Sports & Recreation practice represents sports and recreational facilities throughout the United States and the Caribbean. Clients include a wide variety of recreational facilities and operators, including, among others, ski areas (winter and summer operations), ice arenas, parasail operators, jet ski operators, rock climbing facilities, zip line operators, gyms, equine facilities (including internationally known racetracks), auto racetracks, bike parks, scholastic/college/university operated sports and recreational facilities, camps, fairs, festivals, carnivals, and water parks.

Gfeller told Sports Litigation Alert that the firm has always been open to "opportunities for growth that are in our wheelhouse, even if we aren't necessarily proactively looking for them."

"That was the case here when Steve approached me two and half years ago to ask if my firm would be interested with respect to his own succession plan as a litigator representing ski resorts in

the New York."

Gfeller went on to note that he has known the attorneys for decades and that he was confident that the attorneys would be a "cultural fit."

"The Colorado piece was more or less a secondary decision in all this. I knew that Maryjo and Brian, in particular, were active in Colorado. We've always had an eye towards expanding our geographical reach beyond the Northeast."

Specifically related to the group,

**"Gfeller said the addition of the attorneys gives the firm 'a stronger bench' and more business development opportunities."**

Gfeller said the addition of the attorneys gives the firm "a stronger bench" and more business development opportunities. "In fact, a new matter from a pretty well-known ski resort in Colorado came in today through Brian. We're also seeing traction with institutional clients."

Asked about whether the firm would be hiring associates to support the senior litigators, Gfeller did not dismiss the idea.

"However, we already have a pretty robust team within our existing firm that can service the work. I think we have it under control right now. But if and when the time comes, and the attorneys say they need more support, then we'll go out and get it for them."

Meanwhile, Steve Zweig was excited about the opportunity to work with the new firm.

"The transition of our practice into

Gfeller Laurie is a natural fit. The firm is a nationally known leader in sports and recreational risk management and litigation, particularly with respect to the ski industry. Their existing bench and footprint provide the ideal opportunity for us and the loyal clients that we have served for so many years," said Zweig.

Zweig has worked as a trial lawyer for close to 40 years and is a past President of the Association of Ski Defense Attorneys. Admitted to practice in New York, he has defended ski areas, other recreational facilities, and recreational product manufacturers and distributors at trial throughout New York in state and federal court. He is admitted to practice in all state and federal courts in New York.

Gfeller is the immediate past President of the Association of Ski Defense Attorneys. His term ended in March, 2025.

Maryjo Zweig, meanwhile, has been practicing law for over 35 years and is also a past President of the Association of Ski Defense Attorneys. A seasoned trial attorney, she has successfully defended ski areas, river rafting outfits, and other recreational facilities in state and federal courts throughout New York and Colorado. She is admitted to practice in New York and Colorado.

Birenbach focuses his practice on product liability, personal injury, sports and recreational liability, professional liability, and premises litigation. He also has extensive experience handling commercial, construction, employment, civil rights, and first-party insurance matters. A member of the Association of Ski Defense Attorneys, he is a frequent speaker on issues relating to ski industry liability and is admitted to practice in New York, Colorado, and Florida.

## Court Rules For University of St. Thomas in Arena Case

The Minnesota Court of Appeals has ruled in favor of the University of St. Thomas, finding that a revised environmental review for its new Lee and Penny Anderson Arena was sufficient. The decision marked a significant victory for the university in its long-running legal dispute with a neighborhood group, Advocates for Responsible Development (ARD).

Two years ago, the ARD challenged the City of St. Paul's initial approval of the university's environmental assessment worksheet (EAW), citing its concerns over traffic, parking, and environmental impacts.

In July 2024, the Minnesota Court of Appeals sided with the ARD, ordering the city to conduct a more thorough environmental review. The court found the initial EAW deficient because it failed to account for the cumulative environmental impact of other construction projects on

campus, like the adjacent Schoenecker Center.

At the time, the university issued the following statement:

"After thoroughly reviewing the court's opinion, the university is confident that each of the three areas the court has directed the City of Saint Paul to address in the original EAW can be remedied. However, St. Thomas disagrees with the court's opinion that the city's initial EAW was insufficient and plans to appeal the decision."

"The university is encouraged that the court rejected many of the claims included in the lawsuit brought forth by an organization opposed to the arena. Last week's decision follows the rejection of separate appeals that the same organization made to the City of Saint Paul Zoning Committee and City Council earlier this year challenging the arena's approved site plan."

The City of St. Paul went on to publish a revised EAW in October 2024, which detailed new mitigation efforts, including the use of an app-based parking system and shuttles for large events at the 5,300-seat arena.

Regardless, the legal challenge persisted leading to the latest ruling, where the appeals court approved the revised EAW, stating that the updated plan was sufficient and that a full Environmental Impact Statement was not necessary.

While a separate lawsuit from the neighborhood group concerning the arena's compliance with city zoning rules, specifically relating to its height and bluff setbacks, is still pending in Ramsey County District Court, the Arena is scheduled to open when the University of St. Thomas hockey teams hosts Providence College on October 24, 2025.

Over 20 years experience advising clients concerning risks associated with the presentation of spectator events.



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## Buffer Zones in Entertainment Venues – Considering the TopGolf Settlement

By Gil Fried, professor, University of West Florida

An Oregon family secured a \$15 million jury award from TopGolf along with other damages settled upon by the parties. The case stemmed from their nine-year-old son who was struck in the face by a golf club during a birthday party at a TopGolf facility in 2021. The child suffered a depressed skull fracture and cerebral hemorrhage. The child had been seated in a non-hitting area at the venue when another child swung a club and unintentionally struck him above the right eye. The area was marked off by a red line on the ground.

According to the lawsuit, the child was seated behind the hitting bay in what appeared to be a safe zone. However, there was no physical barrier between the child and another child who was swinging the club. The lawsuit claimed that TopGolf had deliberately prioritized entertainment over safety. The complaint alleged that the company's bay design lacked essential

safety measures and was "intentionally designed to promote a feeling of fun and whimsy at the expense of customer safety." In essence the claim is that there needs to be enough of an effective buffer zone to protect those who were watching from the action of others who might be trying to golf. This is an especially critical area when there could be injuries from clubs that break or for which a golfer loses their grip and it flies in various directions. The Internet and YouTube are filled with various videos of "epic TopGolf fails" where clubs have gone flying or golfers have also gone flying. While there is often a screen or net between golf bays, there often is nothing to separate golfers from those behind them other than a line painted on the ground.

At trial, the jury deliberated for three days before finding TopGolf and its Hillsboro location negligent and liable for the child's injuries. Jurors awarded nearly \$3.3 million in economic damages and \$12.5 million in non-economic damages to the family. TopGolf attempted to deflect

partial responsibility to two adults who were supervising the party, but the jury found them only 3% at fault. The jury was set to consider punitive damages in a second phase of the trial before both parties reached a confidential settlement agreement the day after the verdict.

The case raises the issue of venue layout and design to incorporate an effective buffer zone to separate activities. That area could include significant distance, physical barriers, signage, and/or other strategies that reduce the risk of injury. It should be noted that a layering approach can address many issues, but is no guarantee of safety. The author handled a similar case at a TopGolf venue in Florida where a golf club broke in pieces when swung and that case was settled.

The opinion that led to the settlement can be viewed here: [https://www.govinfo.gov/content/pkg/USCOURTS-ord-3\\_23-cv-01028/pdf/USCOURTS-ord-3\\_23-cv-01028-0.pdf](https://www.govinfo.gov/content/pkg/USCOURTS-ord-3_23-cv-01028/pdf/USCOURTS-ord-3_23-cv-01028-0.pdf)

## The Handbook of Sport Security Is Now Available

NC\* Executive Director and Professor Dr. Stacey Hall has announced the release of the first-ever Handbook of Sport Security.

The book provides an in-depth analysis of security issues and concerns in contemporary sport. Featuring the work of 60 leading researchers and practitioners

from around the world, it offers practical, evidence-based commentary and guidance in over 40 chapters.

"This is essential reading for any advanced student, researcher, practitioner, or policymaker with an interest in sport studies, security studies, event studies, criminal justice, management, or public

policy," said Dr. Hall.

For more information, visit [https://ncs4.acemlnb.com/ltp.php?x=4lZy-GE4InSa55N5-d64U.GhAH6pvAAhv-o1jHfFV3egE5Gqy-Ey7x.Fw1H8Rzk-w\\_x6tXnXMM-nOh5Y392N1OUuB](https://ncs4.acemlnb.com/ltp.php?x=4lZy-GE4InSa55N5-d64U.GhAH6pvAAhv-o1jHfFV3egE5Gqy-Ey7x.Fw1H8Rzk-w_x6tXnXMM-nOh5Y392N1OUuB)

## Pepperdine Athletics Announces Staff Promotions

Pepperdine Athletics has announced that Nick Kurtz will be its Assistant AD for Facilities & Events. Kurtz originally joined Pepperdine Athletics in the spring of 2022 as Director of Facilities & Events. In his role, Kurtz manages the

daily operations of Pepperdine's athletic facilities and leads the planning, preparation, and execution of home events across all sports. His leadership ensures that Waves student-athletes compete in safe, well-maintained facilities and that

fans, families, and the broader community enjoy a first-class game-day experience. Kurtz also oversees capital projects and collaborates closely with campus partners to enhance the department's infrastructure.

## McStravick Embraces Sports Law, Helping Facilities with Various Legal Issues as an Attorney at Ricci Tyrrell

**P**atrick J. McStravick is an attorney and shareholder at **Ricci Tyrrell Johnson & Grey** in Philadelphia, PA. A graduate of Rutgers University School of Law, his practice focuses on defending clients in a variety of complex litigation matters. He specializes in products liability, toxic torts, and environmental law, handling high-profile cases for manufacturers, retailers, and other corporate clients throughout the United States.

But it is his work in the sports area, alongside the firm's Managing Member -- John E. Tyrrell, that caught our attention, and led to the following interview.

**Question:** What were the circumstances that led to your work in sports law?

**Answer:** Twenty-Five years ago, I came to Hollstein Keating Cattell Johnson & Goldstein from my Uncle Jerry's firm, and initially I was not supposed to be doing anything other than Maritime work. However, a series of circumstances (associate movement, need, etc.) lead me to work with my (now partner) John Tyrrell on some acute issues involving the Philadelphia Eagles. That experience subsequently lead to me working with John, and Rich Hollstein (at that firm) on some arguably more unconventional sports/quasi-sports related issues. Since then, and now at Ricci Tyrrell Johnson & Grey for the last 12 years, it has been my avocation and devotion.

**Q:** Who are some of your typical clients in the area of sports law?

**A:** Primarily, in the area of sports law, I have worked for Philadelphia Eagles related entities, dealing with litigation

involving certain aspects of their operations. I have also worked with many major organizations such as Perfect Game USA (baseball), USA Cycling, and Special Olympics of New Jersey, just to name a few. Additionally, I have worked with many smaller regional and/or local organizations (New York Cycle Club comes to mind), and smaller or niche sports entities (e.g. Skiing, Go-cart racing, and Paint ball facilities). Often my

coaches, organizations, and facilities, such as Automated External Defibrillators and Narcan (for overdoses); and

- Indoor golf facilities and golf equipment (such as simulators).

**Q:** What do you enjoy most about being a partner at Ricci Tyrrell? What do you enjoy most about practicing law?

**A:** I would answer both of these questions the same way: the work, and the people.

The work: there are other jobs that provide more income, more prestige, more press, and/or more security, and may provide more free time, less stress, less danger of screwing up, and/or are less difficult. However, they seem (from the outside) boring. This job provides some of those aspects to a greater or lesser extent, but also provides new issues, new cases and fact patterns, crazy twists and turns, contact with great people and organizations who are passionate about what they do, and a purpose that provides

drive to succeed. I do not believe it is an accident that most of the people I work with are former athletes - sports law, and particularly sports litigation where you are involved in trials, requires a competitive mindset and a hunger to succeed.

That brings me to the people, who, since the start of my career, I have thoroughly enjoyed working with in the trenches. This job, doing this work, at this firm, builds a "team" mentality that is difficult to find in an (arguably, largely) intellectual pursuit. The sense of esprit de corps again harkens back to the athletic mindset.



representation, either direct or indirect, is dictated by (insurance) coverage issues.

**Q:** What trends are you following in the area of "sports and recreational liability?"

**A:** Recently, the following issues come to mind that have new and evolving aspects requiring attention:

- Electronic and written release and waiver law, and the applicability of arbitration clauses;
- Drones in and near stadiums, both from a safety perspective and from a video/surveillance perspective;
- The use of emerging and new technologies and techniques for

## Criminal Minds Impact the Sport Retail Space

By Gil Fried, Professor, University of West Florida

**W**hen examining sport retail crime, we often think about sporting goods stores, large retailers with sporting goods sections, tennis shoe retailers, or even baseball card shops. While these are all appropriate examples, many facility managers are not thinking about a stadium/arena store, restaurants, or even ancillary businesses such as sportsbooks or mixed-used venues around a stadium/arena. It is imperative that all venues focus on fan and employee safety. That is the number one responsibility for a venue manager. Crime prevention is sometimes relegated to the proverbial sidelines because it is not a revenue center, complicated, has minimal executive buy-in, or similar challenges. This article is designed to raise awareness of these concerns and how to properly address these concerns.

The National Retail Federation (NRF) and Loss Prevention Foundation provide key industry guidelines emphasizing that customer and employee safety must always take precedence over asset protection.

Effective loss prevention programs focus on creating environments that deter theft while maintaining a safe, welcoming atmosphere for legitimate customers. This includes regular staff training on de-escalation techniques and clear protocols for when to involve law enforcement rather than attempting to resolve situations internally.

The goal for any venue with retail-related space (think everything from team store to sportsbooks and even concession carts) is making theft difficult and risky for perpetrators while ensuring that prevention measures don't create hazards or negative experiences for other customers. But what if your employees try to get

involved? While it is often alluded to in training not to engage or intervene, that is sometimes hard for an employee to disengage when they see a crime occurring in front of them.

The 2019 firing and subsequent re-hiring of a manager at Academy Sports gained national attention as he chased a suspected gun thief and tackled him outside the store. That incident fueled a heated conversation about the nexus between following the rules and doing the right thing. Should a store employee intervene to possibly stop a hazard or prevent a possible escalation or will getting involved put the employee and others in harm's way? <https://www.wctv.tv/content/news/Team-researches-strategies-to-stop-shoplifting---488677491.html>

Most major retailers follow a "no chase" or "limited pursuit" policy, especially once a suspect leaves the store premises.

### Protecting Your Business

Segal McCambridge represents clients in the sports, recreation and entertainment industries, with a focus on venue liability and insurance issues involving regulation and existing facility needs.

### Who We Serve

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Here are some key recent findings:

- “As violence has increased, more retailers have opted to enforce a “hands off” approach in the apprehension of shoplifters. More survey respondents said that no employees are authorized to stop or apprehend shoplifters (41%), compared with 38% last year (2021). <https://nrf.com/media-center/press-releases/shrink-accounted-over-112-billion-industry-losses-2022-according-nrf>
- A recent survey (2018) by Loss Prevention magazine shows 78 percent of retailers have a no chase policy, 45 percent have a no touch policy, and 18 percent don't allow apprehension at all. <https://www.wctv.tv/content/news/Team-researches-strategies-to-stop-shop-lifting--488677491.html>

If employees are not to engage, how can a venue provide appropriate protection while minimizing shrinkage- the term used to describe loss from everything such as spoilage to theft. One strategy is to utilize a zone technique that is often seen in security operations such as the rings of security around an airport (think Israel) to rings of security around a major stadium before an event such as the Super Bowl or World Series. The term “Zones of Influence” is somewhat self-explanatory—as venue operators have influence over what happens in each of these zones. Venues have an opportunity to prevent crime and losses:

1. In the broader community and cyber domain (Zone 5),
2. In the parking lot or store curtilage (Zone 4),
3. At the store entry and in the overall store interior (Zone 3),
4. In the proximate area where the crime occurs (Zone 2), and
5. At the specific location of the crime within a store (Zone 1).

Criminals can victimize employees, guests, and companies in any of the five

zones of influence. It should be noted that each of the zones are nested within other zones. This is important because it means that, for example, for a crime to occur in or at Zone 1 a perpetrator must pass through Zones 5 through 2 before reaching Zone 1. This means that there could have been multiple opportunities to possibly intervene or create a hostile environment for a criminal to possibly prevent the crime. If a criminal successfully commits a crime in Zone 1, then it implies that the venue likely missed opportunities to control crime in Zones 2 through 5.

[https://losspreventionmedia.com/preventing-retail-violence-across-the-five-zones-of-influence/?utm\\_source=ActiveCampaign&utm\\_medium=email&utm\\_content=Preventing%20Retail%20Violence%20Across%20the%205%20Zones%20of%20Influence%20%7C%20PLUS%20the%20Latest%20LP%20Industry%20Updates&utm\\_campaign=25%2F3%2F22](https://losspreventionmedia.com/preventing-retail-violence-across-the-five-zones-of-influence/?utm_source=ActiveCampaign&utm_medium=email&utm_content=Preventing%20Retail%20Violence%20Across%20the%205%20Zones%20of%20Influence%20%7C%20PLUS%20the%20Latest%20LP%20Industry%20Updates&utm_campaign=25%2F3%2F22).

So what is the solution. There is no one solution, but using a layering technique of intelligence gathering, technology, boots on the ground, and buy-in can have significant value.

Nearly three in four (71%) retail workers who have experienced some type of violence at work say they would feel safer with enhanced security measures. Those same respondents say that theft (77%), robbery (76%), active shooter (74%) and physical assaults (61%) could have been prevented had better security been in place. <https://docs.verkada.com/docs/Verkada%2BRetail%2BSafety%2BSurvey.pdf> This study also highlighted that 17% of store employees have experienced some form of violence. Also in that survey, employees indicated that more piece of mind would come from the following strategies—video surveillance/monitoring (48%), on site security guards (47%), alarms (45%), panic buttons (30%), and parking lot surveillance towers (30%).

There is no substitute for human intelligence. That is key stakeholders who are the eyes and ears of the venue. Whether monitoring people to monitoring social media, some nefarious plans can be identified in advance. Next, efforts should be undertaken to harden a retail area. Maybe putting some items behind a counter can make a target less attractive. Some other strategies that can be deployed include:

- Regular presence of uniformed officers,
- Having a strong employee presence
- Enhanced surveillance systems with visible cameras
- Electronic article surveillance (EAS) systems
- Strategic store layout and lighting
- Train staff to observe and report rather than physically intervene
- Use verbal deterrence and customer service approaches
- Coordinate with law enforcement for serious incidents
- Document incidents thoroughly for legal and training purposes
- Implement and train employees on policies such as no intervention/no chase policies

Crime will happen at our venues. Whether it is employee theft, organized crime rings, or lone wolf thieves, a venue and its employees must take steps to reduce this threat to the bottom line, people, and property. AI can provide some guidance in the future, but active monitoring by humans is still the rule of the day. Venues need to track criminal activity in and around their venues to develop a baseline. Then management can examine what tweaks can produce a reduction in criminal activity and when a strategy works, role it out and start building a crime prevention toolkit. The policies and procedures in the toolkit can address employee engagement while at the same time helping to encourage leveraging local law enforcement officials as the proverbial first line of possible defense.

## Research Suggests Women's Sporting Events Are Big Wins for Cities

Cities and communities that host major women's sporting events can reap wide-ranging benefits including tourism and economic growth as well as positive gender-related impacts, according to new research by the University of South Australia.

In light of a recent uptick in exposure to women's sporting events in Australia and abroad, UniSA tourism and events experts are highlighting the positive social impacts these competitions can have on host communities.

Researchers analysed the perceived impacts on Australian host cities during the FIFA Women's World Cup in 2023. The soccer tournament attracted record audiences and attendances, generating an induced economic impact of AU\$1.32

billion. Australia's semifinal match against England made history as the largest TV viewing audience in Australia, reaching 11.2 million viewers. Record TV audiences were also achieved in Spain and the UK.

UniSA tourism and events experts Dr Jessica Mei Pung, Associate Professor Sunny Son and Associate Professor Craig Lee looked at how residents of the host cities felt about the major soccer event and found interesting results. Unlike men's or mixed-gender major sports events like the Olympics, people's support for the Women's World Cup wasn't only driven by the usual economic, sporting or social benefits.

"Instead, support seemed to come more from specific outcomes such as

promoting women's sports, improving gender equality and boosting Australia's image," Dr Pung says. "Overall, we found that women's mega sports events can be powerful tools for advancing gender equity and community development, in addition to the commonly recognised tourism, social and economic benefits, which are strong reasons for governments to invest in them."

However, the social impacts of such large events weren't the only benefits, with residents still agreeing that women's sporting events also bring socio-economic benefits such as employment, investment and business opportunities, urban regeneration and community cohesion.

Dr Pung says despite attracting increasing audiences and media attention,

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## Federal Lawsuit Challenges StubHub's Ticketing Practices Involving Messi Experience

A plaintiff has filed a federal lawsuit against StubHub in the U.S. District Court for the Southern District of Florida, Fort Lauderdale Division (Case No. 0:25-cv-61708-PAB), alleging the company misled fans into paying nearly a thousand dollars for premium seats to see Lionel Messi at Inter Miami.

At the center of the story is Franco Martinez, a close friend of public advocate and plaintiff Brian Evans, who had recently come to the United States seeking asylum from Argentina. For Martinez, the July 30 match represented more than just a game. After receiving encouragement from Messi's father, Jorge Messi, to bring a sign to the match, Franco spent six hours creating one he hoped Lionel would notice. But when StubHub reassigned their tickets from premium field-side seats to distant bleachers, the gesture was lost—and so was Martinez' chance to connect with his lifelong hero.

The lawsuit alleges StubHub engaged in deceptive practices by advertising premium seats that did not exist, then downgrading fans into cheaper sections, leaving them with no recourse. Evans argues that this conduct reflects a larger crisis in the ticketing industry—one that impacts millions of consumers.

"Discovery will dictate what StubHub had available to sell, what they actually

sold, and what they actually delivered to the customers," said University of West Florida Professor Gil Fried. "If they were not given certain seats, but sold them anyway then the case has legs. I don't know if this was a bait-and-switch situation or if there was a possible misunderstanding. We also will need to see the specific language of the purchase agreement and whether there were any specific clauses allowing StubHub to deliver different seats if the seating environment changes. We also will need to see if there were circumstances beyond StubHub's control that could have impacted the seating availability the day of the event and whether StubHub warned Mr. Evans before the game and offered alternate seating options or the ability to get a refund."

The plaintiff believes StubHub "continues to advertise premium suites S1 through S23 at Chase Stadium—listings that cannot be purchased through Inter Miami's official partner Ticketmaster, or any legitimate platform. These are private suites, not public ticket inventory."

"StubHub is marketing something it doesn't own and can't deliver," Evans said. "That is fraud, plain and simple."

Evans also pointed out that StubHub collects service fees on every transaction.

"They profit off these sales, and then turn around and say they're just a listing

platform," he said. "You can't have it both ways. If you're making money on fraudulent tickets, you're part of the fraud."

StubHub is expected to push the case into arbitration, which the plaintiff maintains will "strip consumers of their right to court and shields corporations from accountability."

In recent years, consumer protection experts have increasingly raised alarms about the ticket resale market. State Attorneys General from multiple states are investigating StubHub's practices, and courts across the country—including the Eleventh Circuit—are weighing whether arbitration clauses unfairly tilt the playing field against everyday buyers.

Even so, Dr. Fried noted that "courts hate to get involved in these types of cases and the emotional appeal that might come with them.

"For example, what if a father promised their child that the team would win a game and an umpire makes a bad call? Those cases have been litigated, and courts do not want to second guess what goes on the field. They also don't want to be the gate keeper for whether someone had fun, did not get to see a historic moment, or numerous other variables that are outside the control of the team and venue."

## Garrett Ton Named Associate Director of Athletics for Facilities & Events

Georgia Southern University Athletics has announced the hiring of Garrett Ton as the new Associate Director of Athletics for Facilities & Events. In his role, Ton will oversee, direct and plan the overall external operations of the Athletics Department with budget oversight of all those operations. He will also ensure facilities, planning and opera-

tions are consistent to build consistency for Georgia Southern University and Athletics program.

"Garrett brings a rare combination of vision, hands-on experience and operational excellence," said Chris Davis, Georgia Southern's Director of Athletics. "We are confident that his leadership will elevate our facilities, streamline event

management, and contribute significantly to creating first-rate environments where our student-athletes, coaches, staff and fans can thrive."

Ton joins Georgia Southern with a decade of experience in athletic facility and event operations. He comes to Statesboro after working as the Associate AD for Athletics Facilities and Opera-

tions and Arkansas Little Rock, where he was a member of the department's Senior Leadership Team. Prior to that, he spent two years as the Assistant Athletics Director for Facilities and Operations at Boise State. There, he supervised the daily operations and maintenance of all athlet-

ics facilities and was the game manager for Bronco Football.

The former San Jose State basketball letterman worked at his alma mater for six years, first as a Facilities Coordinator and later in a leadership role as the Assistant Athletics Director of Facilities and Events.

The Torrance, California, native coached high school basketball in Southern California before serving as a graduate assistant for Facilities and Operations at Marshall University.

## ACC Fines FSU for Field-Storming Incident

**T**he ACC fined Florida State University \$50,000 for a violation of the league's event security policy after fans stormed the field following their upset football victory over Alabama on August 30, 2025. This was the first fine issued under a new ACC policy announced in July 2025, which aims to curtail field-and court-storming incidents in football,

men's basketball, and women's basketball. The ACC's event security policy requires that only student-athletes, coaches, officials, and authorized personnel are allowed in the competition area before, during, and at the conclusion of any competition. The policy also states that the visiting team and game officials must have the opportunity to safely exit the com-

petition area before fans access the field or court. Fines increase for subsequent offenses within a two-year period, with a second offense incurring a \$100,000 fine and a third offense incurring a \$200,000 fine. The collected fines are directed to the Weaver-James-Corrigan-Swofford Postgraduate Scholarship Fund.

## TAPPED OUT

Continued from page 1

alcohol will not be served at Saturday's Nebraska Kearney football game with Chadron State" (UNK Athletics, 2025). The announcement was posted on the UNK Athletics website as well as its social media accounts.

UNK uses Nightlife Concepts, a Kearney-based LLC that owns restaurants such as Cunningham's Journal, to provide concessions at athletic events. University of Nebraska system rules require the company to carry \$5 million worth of liquor liability coverage. However, before the UNK home opener, the vendor only had \$1 million in coverage. There was also a question of whether the vendor's insurance extended to stadiums (Bonderson, 2025). UNK hopes to resolve the insurance issue by the next home game, scheduled for September 20.

### Alcohol-Related Incidents at College Athletic Events

In 2023, Knoxville city regulators filed a complaint against Aramark, the concessionaire at Neyland Stadium, after multiple citations were issued for selling

beer to underage fans. The city sought to suspend the stadium's beer permit, citing a pattern of violations and a failure to maintain compliance despite prior warnings (Jackson, 2022). The city and Aramark reached an agreement, which included Aramark paying a fine of \$5,200 and incurring administrative costs, making a voluntary donation of \$30,000 to the Metro Drug Coalition, providing training for new employees and retraining current employees, and ensuring that only Aramark employees conduct ID checks. The case was dismissed after the agreement was reached.

At the University of Texas, unruly fan behavior, including throwing objects onto the field, prompted the Southeastern Conference (SEC) to warn the school that its alcohol sales program could be curtailed if controls were not improved (Associated Press, 2024). The SEC fined the University of Texas \$250,000. Unlike Tennessee, this was not a municipal enforcement but a conference-level governance issue. The SEC has the authority to impose restrictions regardless of state

or university policy, effectively serving as a "meta-regulator." The Texas example illustrates how league-level oversight adds another layer of liability and compliance risk, underscoring the need for strict SOPs on packaging, drink limits, cut-off times, and documentation of incident responses.

At the 2011 Harvard-Yale football game, a U-Haul truck carrying beer kegs to a tailgate plowed into a crowd of pedestrians, killing one woman and seriously injuring two others (Associated Press, 2012). Lawsuits followed against the driver, a Yale fraternity, U-Haul, and others. The driver turned himself in and was charged with negligent homicide and reckless driving. He later accepted a plea deal that allowed reduced charges and accelerated rehabilitation in a fatal motor vehicle accident. The civil cases eventually settled, and Yale significantly restricted tailgating practices in the aftermath. This tragedy highlights how catastrophic alcohol-related losses at college sporting events can result in wrongful-death litigation, multi-defendant exposure, and sweeping policy changes.

In 2021, researchers studied a large Midwestern university after it began selling alcohol at football games for the first time. The goal was to determine the impact of in-stadium alcohol sales on alcohol-related emergency department visits and local EMS calls (Ruehlmann et al., 2023). Results showed a decrease in alcohol-related EMS calls on home game days, although the difference was not statistically significant. In-stadium alcohol sales had no significant impact on emergency department visits. The reason for this outcome is unclear, but it is possible that fans consumed less alcohol at tailgate parties, knowing they could purchase it in the stadium. Long lines and a two-beverage limit may also have discouraged excessive consumption.

Troy Dannen, Director of Husker Athletics, acknowledged the challenges: "We're not going to eliminate binge drinking," Dannen said. "There isn't anything any of us can do to eliminate binge drinking. Right now, we have binge drinking, it was noted, without alcohol sales in the stadium" (Bonderson, 2024).

After the first Husker football game with alcohol sales permitted (Aramark sold over 38,700 cans), DUI arrests were below average (Bonderson, 2025).

- DUI arrests: Lincoln police averaged seven per game in 2024; on September 6, 2025, there were only three.

- Calls for service: Increased to 380 compared to 343 last season.

- Alcohol-related calls: Dropped from an average of 17 to 14.

- Nebraska State Patrol: Reported one DUI arrest in Lancaster County, compared to an average of two last year. Last season's highest total of DUI arrests was four on the day the Huskers became bowl eligible in a win over Wisconsin.

- In-stadium incidents: 20 alcohol-related incidents, slightly above the six-game average for night games (18), but below the average of the previous three evening games (22).

- Alcohol violations: Only one issued, compared to a five-year average of 2.1.

## Dram Shop Laws

State laws vary, but many have some version of a dram shop law. A dram shop is a commercial establishment that sells alcoholic beverages. The term initially referred to a place where alcohol was served by the "dram," a small serving of liquid. Dram shop laws hold businesses liable when they serve a visibly intoxicated or underage person who later causes harm (Cornell Law School, 2025).

Nebraska Revised Statute 53-101 is the Nebraska Liquor Control Act. Nebraska's dram shop law (§53-404) is limited to cases involving intoxicated minors.

## NU System Alcohol Risk Management

UNK, along with the other NU system schools, has implemented an alcohol risk management plan for athletic events. UNK's policies include a no re-entry policy, bag checks, a two-drink limit per purchase, sales ending at the conclusion of the third quarter, and restricted areas where alcohol is permitted (Gottula, 2025). Alcohol may be consumed in home and visitor seating areas, but not in the south end zone grass area or designated Kids Zone. These areas are intended to remain alcohol-free and family-friendly. Customers must be 21 or older and present a valid government-issued ID to purchase alcohol. Wristbands are issued at ID check stations. Alcohol must be served in original, non-glass containers. Fans are prohibited from bringing alcohol into or out of the stadium. Disorderly fans will be removed. Signage throughout the season will encourage responsible alcohol behavior. 5% of annual revenue from alcohol sales is earmarked to fund alcohol education and counseling through Student Health and Counseling.

Aramark S+E runs UNL's concessions. Policies mirror those of UNK, including no re-entry, clear bag policy, a two-beverage limit per person per transaction, ID checks, and the discontinuation of alcohol sales at the end of the third quarter

(Huskers, 2025). UNL's policies also allow management to suspend alcohol service at any time. Aramark, UNL Athletics, and the Nebraska Campus Recovery Community jointly implemented a designated driver program at Memorial Stadium. Those who pledge receive a coupon for a free soft drink or water.

UNO has permitted alcohol sales at Baxter Arena since its opening. Baxter Arena enforces a clear bag policy, ID checks, a two-drink-per-purchase limit, and a refusal-of-service policy for intoxicated or disruptive guests. Alcohol sales are discontinued approximately 45 minutes before the end of each event.

## Alcohol Risk Management Recommendations

Insufficient insurance increases the risk of litigation, both liquor liability and premises liability, for universities and vendors alike. Liquor liability insurance should be secured well in advance of events or seasons, with best practice requiring verification of coverage 30–45 days prior to the event. An effective alcohol management plan should also incorporate the following elements:

- Mandatory staff training: Completion of a certified alcohol service training program.
- Strict ID checks: Verification with government-issued identification at every point of sale.
- Beverage controls: Limits on the number and size of alcoholic beverages sold per transaction.
- Service cut-off times: Clearly defined end times for alcohol sales (e.g., conclusion of the third quarter).
- Tailgating policies: Oversight of tailgate areas, including restrictions on vehicle access, kegs, and underage drinking.
- Crowd management: Deployment of trained personnel to monitor fan behavior and intervene when necessary.
- Designated driver programs: In-

- centives such as free soft drinks for fans who pledge sobriety.
- Ejection protocols: Rigorous enforcement of removal policies for intoxicated or disruptive individuals.
  - Family-friendly zones: Clearly designated alcohol-free sections of the venue.

The decision to sell alcohol at a facility or event should be based on a holistic analysis of university policy, governing body regulations, potential liabilities, and potential revenue. While alcohol sales can generate substantial income, universities must weigh those benefits against the legal and reputational risks.

Ultimately, a comprehensive Alcohol Management Plan should ensure not only legal compliance but also promote safe and responsible consumption, providing an environment where all patrons can enjoy the game-day experience.

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## FAN

Continued from page 1

### The Complaint

Roeckel was the guest of Mountain West Series of Lockton Companies, LCC. He did not purchase his ticket. The suite was “past the 100-level seating.” Roeckel was sitting down when he was struck. The ball “was obscured by architectural elements, including the ceiling of the luxury box and the overhang of the bleacher seats.” It was “not physically possible for Plaintiff to see the foul ball from the seat in question.”

Roeckel’s claims must circumvent the Act to be viable. The Complaint acknowledges that the Act provides “a general assumption of risk for spectators injured by foul balls.” Not mentioned in the Complaint is Section(4)(a): “Specta-

tors of professional baseball games are presumed to have knowledge of and to assume the inherent risks of observing professional baseball games, insofar as those risks are obvious and necessary. These risks include, but are not limited to, injuries which result from being struck by a baseball or a baseball bat.” Section 4 (b) declares that It “shall be a complete bar to suit and shall serve as a complete defense to a suit against an owner by a spectator for injuries resulting from the assumed risks”.

The Act is subject to exceptions, provided by subsection (5)(a). Roeckel paraphrased it, turning it into bullet points. This subsection does not prevent liability of an owner who: “(a) Fails to

make a reasonable and prudent effort to design, alter, and maintain the premises of the stadium in reasonably safe condition relative to the nature of the game of baseball; (b) Intentionally injures a spectator; or (c) Fails to post and maintain the warning signs required pursuant to subsection (6) of this section.” The case will turn on whether or not Roeckel can qualify for one of the statutory exceptions.

### Roeckel’s Attempts to Qualify For the Exceptions

Fifteen numbered paragraphs in sixteen sentences is that attempt. Paragraphs 22-26 relate to the statute. Roeckel “alleges on information and belief” that the Rockies had been “specifically

warned by engineers retained” either by MLB, its insurers or the Rockies about inadequate netting and increased risk yet failed to act. The team “was also aware that the Stadium had a reputation for baseballs traveling further, faster, and higher than in other stadiums.” It knew that the “Stadium was designed, altered or maintained in a manner that failed to take reasonably prudent steps to ensure the safety of invitees.” Therefore, “it was in the unique position of knowing of these hidden dangers.” Finally, the team’s “failure to design, alter, and maintain the Stadium in a reasonably safe condition directly caused the Plaintiff’s injuries.”

Paragraphs 27-30 cite examples of the team’s poor performance beginning in 2018. This, apparently, means that spectators, “particularly those in luxury suites, are less engaged in the action on the field.” Moreover, losing “has fostered a stadium culture in which socializing, dining, and business networking have become the primary focus for many attendees.”

This “cultural shift”, enumerated in Paragraphs 31-35, was “encouraged by Defendants’ own marketing and design choices” such as “installing a party deck where a view of the game for most spectators is virtually impossible.” The suites were designed to “accommodate business parties, meetings, conferences, networking and activities intended to take place” during games.

Paragraph 36 is a summing up that precedes the two causes of action, asserting that it “was foreseeable and preventable that spectators” would be injured. The Rockies consequently “failed to exercise reasonable care”.

## **First Cause of Action: Premises Liability**

This is a seven-sentence statutory claim under C.R.S. §13-21-115(1) and C.R.S. §13-21-115(4)(c). It imposes liability on a landlord under certain situations. The Complaint incorporates its prior statement of facts that was designed to

fit those circumstances. Allegedly, the team’s knowledge of the conditions and failure to act, means that it cannot rely on “unsigned, non-negotiable, private agreements purporting to release negligence claims against it.” This would include the general release on the ticket back used by Roeckel but not purchased by him.

## **Second Cause of Action: “Negligence/Negligence Per Se”**

This cause of action incorporates everything previously stated. In five sentences it asserts that the failure to comply with the Act make the Rockies liable for all of Roeckel’s “past and future medical expenses, emotional distress, pain and suffering, mental anguish, loss of enjoyment of life, lost wages, and physical and emotional impairment and disfigurement.” It demands a jury trial, seeking damages for the above, plus interest, costs, and any other available relief.

## **Commentary**

Mr. Roeckel appears to have been seriously injured, and one must hope that he makes a complete recovery. However, if the Act applies, the Rockies win. Roeckel’s counsel tried to side-step it. For example, the Complaint states that the Rockies had been warned by engineers that there was inadequate netting. Perhaps, but the issue of “adequate netting” is a litigation gopher hole. Whenever there is an injury in a section not protected by netting, next to a section protected by netting, a plaintiff will make this argument. Eventually, to satisfy plaintiffs, the entire field would have to be covered in netting. Never again would Chicago Cubs’ fans toss back a home run ball hit by an opposing player.

The Complaint mentions fans with “limited vision” of the field, but that is not uncommon in baseball stadiums. Roeckel complains about the presence of televisions in the box but is there a luxury box in the country that does not have televisions, or a “ceiling”? If so, could it possibly be called a “luxury” box?

In an attempt to avoid application of the Act, the Complaint adds material of dubious legal relevance. Four numbered paragraphs recite the Rockies on-field record, and two of those numbered paragraphs relate to the 2025 season. The team’s won-loss record is not mentioned in the in the Act. Left out is that day, July 16, 2023, the Rockies were playing the Yankees and had split the prior two games. That day there was an announced crowd of over 47,000, so there was interest in the game.

The next four numbered paragraphs opine that as a result of the team’s performance, “those in luxury suites are less engaged with the action on the field.” Team performance “has fostered a stadium culture in which socializing, dining and business networking have become the primary focus for many attendees.” This “cultural shift has been encouraged” by the Rockies and includes creating a rooftop “party section.” This is hardly unique to Coors Field, and whether fans in other areas of the stadium can or cannot see the field is irrelevant. Roeckel states that suites “were designed for business parties, meetings, conferences, networking and activities to take place” during the games. Exactly, just as in every luxury suite in the country. Much of this has nothing to do with the Act. If the stadium was poorly designed regarding foul ball injuries, surely there are a number of similar lawsuits in the twenty-eight years prior to this injury.

To invoke the Act, a stadium owner/operator must post warning signs, (in “conspicuous places” at the entrances and outside the stadium (CV-13-120 (6(a)). The signs must state, in bold: **WARNING** and, in capitalized letters, instruct spectators that they assume the risk of injury, and “MAY NOT RECOVER FROM AN OWNER OF A BASEBALL TEAM OR AN OWNER OF A STADIUM” for injuries “FROM INHERENT DANGERS AND RISKS OF OBSERVING PROFESSIONAL BASEBALL, INCLUDING, BUT NOT

LIMITED TO, BEING STRUCK BY A BASEBALL OR BASEBALL BAT." (C. R. S. §13-120 (6)(b)).

The Act concludes: "Insofar as any provision of law or statute is inconsistent with the provisions of this section, this section shall control. (C. R. S. §13-120 (b)(7)). It seems likely that the signs were

present, or that absence would be in the Complaint. If the signs were posted, whatever one may feel is right in this circumstance, the Legislature intended to preclude recovery from foul ball injuries.

No matter how this case concludes, fans will continue to be struck by flying baseballs, hockey pucks and other sports'

material no matter what any lawyer says, does, or alleges. That is the reason for the primary assumption of risk doctrine, whether imposed by common law or statute. Team and stadium owners and operators should post necessary signs and keep their liability policies current.

## RESEARCH

women's sporting events are still fighting perceptions of being less important than men's competitions. She says most research on the impact of sporting events usually revolves around men's and co-gendered sporting events such as the FIFA Men's World Cup and the Olympic Games.

"Despite the global movement towards gender issues and equality, women's sport events and their impacts have received less attention from academia compared to men's or co-gender sport events," she says.

"Women's sporting events are also often defined as second order to men's competitions, despite growing popularity and achievements in women's sporting arenas. Our research aims to fill the gap by examining the impacts that women's mega sport events have on host communities and how these impacts influence the community's support for future tourism development and events."

Dr Pung says the research shows the effectiveness of hosting major women's sporting events, and how governments

and organising bodies should be prioritising and investing in them as part of broader strategies to advance social inclusion and equity through sport.

"Sport in general brings people together and improves their sense of pride and belonging to their community. Investing in major women's sporting events also contributes to an aspirational view of Australia where stigmas are broken and women are empowered," she says.

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