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MSM 500

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Module 1 Activity

Sanchez v. Hillerich & Bradsby Co.

In California, a college baseball pitcher sued Hillerich & Bradsby, a baseball bat manufacturer, as well as two athletic associations and the University of Southern California, whom he was pitching against after suffering a skull fracture taking a line drive off an “Air Attack 2” made by the company. The negligence and products liability case was brought on the idea that the design of the aluminum bat caused a greater chance of injury if a line drive is hit.

The district court provided a summary judgement in favor of the defendant because there was no way for the plaintiff to prove that his injury was caused by the increased risk from the different design.

The plaintiff appealed and the appellate court overturned the summary judgement. The appellate court found the trial court in error and that the plaintiff in fact did have the evidence to show that his injury was caused by the increased risk from the bat. The bat was specifically designed to increase the exit velocity. The bat’s own inventor complained to the manufacturer about the dangers of the design. The plaintiff also had an expert witness, Dr. Kent, who said that because of the speed of the ball, the plaintiff’s reaction time was minimal.

The only impact this case has on the sports world is taking a baseball bat off the market.

Hillerich & Bradsby is a popular bat company and is still producing baseball bats under the umbrella of Louisville Slugger. A casual google search would show that there were other cases about the dangers of the Air Attack 2 with other skull fractures. In a perfect world, cases like this would lead to stricter guidelines on bat regulations in college and high school baseball.

References

Sanchez v. Hillerich & Bradsby Co., 104 Cal. App. 4th 703, 128 Cal. Rptr. 2d 529, 2002 Cal. App. LEXIS 5186, 2002 Cal. Daily Op. Service 12237, 2002 Daily Journal DAR 14355, CCH Prod. Liab. Rep. P16,483 (Court of Appeal of California, Second Appellate District, Division Four December 19, 2002, Filed).

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