

Lightning liability?

Continued from page 40

that provide relevant and helpful information in the event that a golfer fails to heed nature's warnings and is caught during a lightning storm.

Additionally, if possible, lightning-proof shelters should be supplied at a central area on a golf course. Obviously, lightning shelters cannot be provided on every hole, nor will they be located in such a way that every golfer can reach them easily. However, they should be available where possible. But, it is more dangerous to provide shelters which are not lightning-proof which give patrons a false sense of security.

•••

Examination of the pre-trial proceedings reveals that lawyers for both sides began a rather rigorous discovery process immediately after Mrs. Fisher filed suit. The sworn testimony of a variety of witnesses was preserved for trial.

The plaintiff retained Edward Wankel, a parks and recreation director from Long Island, N.Y., to testify that it was the golf course industry standard to provide some warnings and/or actions to protect golfers in the event of an imminent thunder and lightning storm. The city of South Portland retained a local PGA professional, Bryce Roberts, of Prouts Neck Country Club in Scarborough, Maine, who testified there was no industry standard concerning lightning protection and many golf courses did different things about lightning protection. In fact, most did nothing.

There was no question the municipal course had not undertaken any lightning "precautions." It did not have a United States Golf Association (USGA) or Golf magazine poster concerning the dangers of lightning. There was no evacuation procedure in the event of a lightning storm. The course did not sound horns or sirens to warn patrons of imminent lightning storms. It did not undertake any programs to educate its patrons of the dangers of lightning or of the procedures to be taken in event of a lightning storm.

South Portland had no specific lightning-proof storm shelters on the golf course, although the clubhouse and a maintenance shed were within 1,000 yards of the area where Mr. Fisher was killed. The recreation director for the city and the golf course superintendent testified that either of those buildings would have been protection for Mr. Fisher and his group. At no time prior to Mr. Fisher's death had anyone requested lightning shelters on

The sounding of horns or sirens relies upon the judgment of the pro shop staff or other personnel. If that judgment is not correct, would a golf course operator become liable in a situation where he ordinarily would not be?



South Portland Municipal Golf Course.

The city brought a motion before the court to have Mrs. Fisher's claim dismissed prior to trial. The city argued there

was no legal basis for her claim that there was a duty to warn adults of the dangers of lightning or that they had to leave a golf course during a thunder and lightning storm. The court denied the motion, allowing the matter to proceed to trial.

At trial Mr. Wankel again testified and stated that 50 percent of all lightning deaths occur on golf courses. He testified it was well known within the golfing industry, in 1990, that lightning was dangerous to golfers and that golfers should be warned, in some fashion, of the dangers of lightning storms and what to do in the event of a lightning storm.

Mr. Wankel did admit, on cross-examination, that Mr. Fisher would have been exposed, in national golf magazines, to a variety of lightning safety tips. He also admitted that Mr. Fisher, an avid golfer who played 35 to 40 times a year, more likely than not would have been exposed to a USGA poster at some golf course other than South Portland Muni.

The most powerful witness in this matter was Mr. Rosengren. He testified that he and Mr. Fisher were aware of thunder and lightning in the area and decided to "wait it out." Mrs. Fisher admitted, upon cross-examination, that her husband was aware of the "awesome power" of lightning and had, in fact, comforted his daughters during thunder and lightning storms.

•••

Others actions routinely taken by golf courses would seem to add, not detract, from their liability. For instance, the sounding of horns or sirens relies upon the judgment of the pro shop staff or other personnel.

If that judgment is not correct, would a golf course operator become liable in a situation where he ordinarily would not be? It certainly was a question that was raised throughout the Fisher trial. Also, dispatching attendants on the golf course in anything other than automobiles asks employees to risk their lives in situations where golfers might well be failing to heed nature's warnings.

In the end, one hopes that golfers will continue to rely upon their own common sense to leave a golf course when thunder and lightning threatens. Nature provides the best warnings for an impending thunder storm. Those warnings include thunder, lightning and/or heavy precipitation and wind. Although some golfers may never heed nature's warnings, hopefully common sense and personal responsibility will prevent another tragedy like Tom Fisher's.

Algae fighters

Get rid of algae build-up in ponds and lakes while being environmentally responsible with the new bio restoration products available from Enviro-Reps.

These preventative and remedial formulas contain a natural, pollution-free fertilizer designed to contribute no nutrients to algae growth from run-off. "Rapid Klear," for example, is designed to restore water visibility, while "Super Bugs" is an enzyme/bacterial concentrate designed to biodegrade all the organic effluent settled on pond beds.

For more information, contact Enviro-Reps International at its Algae Research Center, 2646 Palma Dr. #455, Ventura, CA 93003; or call 805-650-3563.

CIRCLE #301

Jake unveils SV

Jacobsen has unveiled two new system vehicle (SV) work trucks, the SV-2322 and SV-3422.

The SV-2322 is run by a 23-horsepower diesel engine and the SV-3422 has a 34-horsepower gasoline engine. Both feature engine-forward designs, a 2,800-pound total capacity, and versatility of attachment compatibility.

New engine-forward designs allow both better vehicle balance and easier maintenance. The four-wheel design provides stability and an inside 15-inch turning radius. For more information contact Jacobsen, 1721 Packard Ave., Racine, WI 53403, or call them at 414-637-6711.

CIRCLE #302

Message cups

Hole Advertising, has announced a new line in golf advertising, Printable Golf Cup Protectors.

The disks, available with courtesy and personal messages, protect the golf cup. The messages on them can promote events, golf etiquette or advertising. The Printable Golf Cup Protector is shipped flat. It snaps into its disk shape before placement in a hole.

For more information call Hole at 305-753-0464 or write Hole Advertising at 1746 NW 84th Drive, Coral Springs, FL 33071.

CIRCLE #303

Ransomes' new UTVs

Ransomes America Corp. has introduced two new utility vehicles, the Cushman UTV-Max and UTV-Maxim.

The UTV-Max features a 40-inch cargo bed while the UTV-Maxim comes equipped with an 72-inch bed. Both vehicles can haul up to 1,200 pounds and are available with a choice of either gasoline or electric power.

Features for both include: 14-gauge steel cargo-box bodies, double-leaf and coil spring suspension systems, front/rear shock absorbers and pedal or key start. For more info, write Ransomes at P.O. Box 82409, Lincoln, Neb. 68501.

CIRCLE #304

TRUE-SURFACE® VIBRATORY GREENS ROLLING SYSTEM



- Patented Vibrating Action
- Twice as fast as "sidewinders"
- Lightweight 55 lbs.
- Used PGA 1992 - Senior Skins 1994
- "Quick Attach" System Installs in Minutes
- Fits Toro, Jacobsen, Lescro & Bunton

TURFLINE, INC.

(800) 443-8506

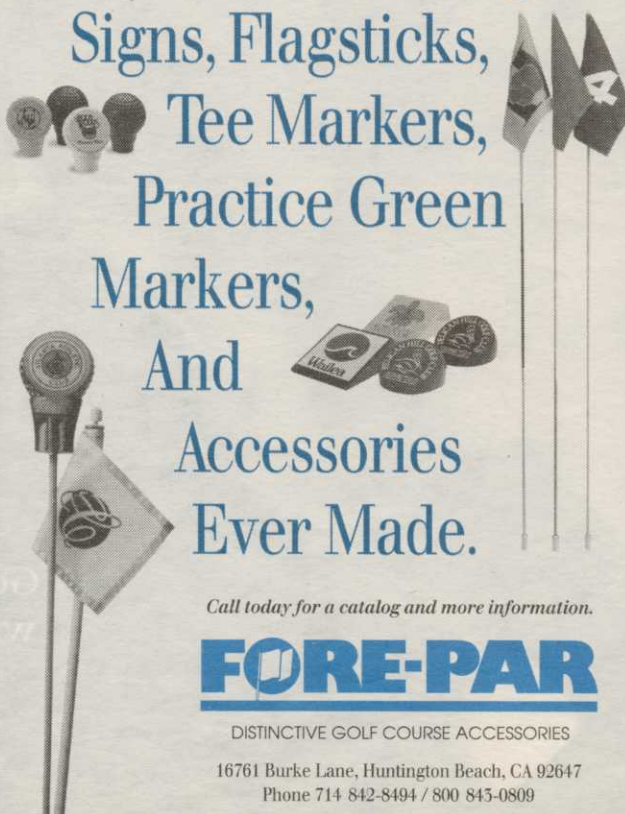
Fax: (314) 441-8180

(Selected Distributorships Available)

CIRCLE #134

CARTS

The Best Flags,
Signs, Flagsticks,
Tee Markers,
Practice Green
Markers,
And
Accessories
Ever Made.



Call today for a catalog and more information.

FORE-PAR

DISTINCTIVE GOLF COURSE ACCESSORIES

16761 Burke Lane, Huntington Beach, CA 92647
Phone 714 842-8494 / 800 845-0809

CIRCLE #135