

## Recreational Activity: Did This Elderly Person Assume The Risk?

The recreation coordinator set up a makeshift bowling alley in the adult daycare center with plastic bowling pins and a five-pound rubber ball.

An eighty-five year-old Russian immigrant had never bowled before. She fell, twisted her ankle, and then sued.

The New York Supreme Court, Appellate Division, found fault with the very generic safety warning given to participants to “wear comfortable shoes.”

This participant would not have known not to wear 1 1/4 inch heels and would not have known that it is customary to wear bowling shoes when bowling.

By law, a participant in a recreational activity assumes the risk of injury, and the premises owner or promoter is not legally liable, if and only if the participant, unlike this lady, was able to appreciate the danger involved. **Kremerov v. Forest View Nursing Home, Inc.**, \_\_ N.Y.S.2d \_\_, 2005 WL 3485838 (N.Y. App., December 19, 2005).