

## Summer camper hurt when he falls out of moving bus

*Suffers mild TBI;  
\$3.6 million settlement*

WHILE ATTENDING a boys' summer camp, the 13-year-old plaintiff participated in a day trip to an off-camp location.

The defendant camp made arrangements to rent buses to transport the campers and staff. During the bus ride, the plaintiff fell through one of the bus windows while the bus was in motion. He landed on the roadway and suffered multiple injuries.

The plaintiff alleged that the injuries were caused by the negligent supervision of the camp staff present on the buses. Additionally, it was alleged that the bus operator was negligent in the maintenance and operation of the bus.

The plaintiff stated that the camp staff instructed the campers to stand and change out of wet bathing suits while the bus was in motion. But the defendants contended that the plaintiff was engaged in horseplay and was actually standing on the seat, not on the floor as instructed by the staff, at the time of incident. Witness testimony was inconclusive.

It was alleged that the bus company failed to perform a pre-trip inspection of the bus. When the bus took a sharp turn, the plaintiff shifted and hit the window, which swung out, permitting



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the plaintiff to fall out of the bus and land on the roadway.

The bus driver contended that he did, in fact, perform the inspection and that all the windows were closed and locked, suggesting that the window had been unlocked by the campers during transit. He also submitted a statement shortly after the incident indicating that he had to reprimand the campers several times for being unruly during the trip.

The plaintiff countered those allegations with support from an MIT engineer who performed a detailed inspection of the bus and concluded that, based on the measurements of the bus, the physics involved in the movements of the bus at the moment of ejection, and the plaintiff's own height and weight, the plaintiff could not have been ejected from the bus unless he was standing on the floor as instructed by the camp staff and not standing on the seat as alleged by the defendants.

Finally, the defendants also raised a defense based on the waiver of liability signed by the plaintiff's parent upon enrollment at the camp and a third-party claim founded upon a clause in the camp's contract requiring the plaintiff's parents to indemnify the camp for any damages it might be subjected to for such an incident.

**ACTION:** Negligence and tort  
**INJURIES ALLEGED:** Mild traumatic brain injury  
**CASE NAME:** Withheld  
**COURT/CASE NO.:** Withheld  
**JURY AND/OR JUDGE:** N/A (settled)  
**AMOUNT:** \$3.6 million  
**DATE:** Fall 2021  
**ATTORNEYS:** Douglas K. Sheff, Frank J. Federico Jr., Stephen J. Chaisson and Chase Marshall of Sheff Law Offices, Boston (for the plaintiff)

It was alleged that the plaintiff sustained a mild traumatic brain injury with resultant cognitive and sleep domain disorders. This was confirmed with neuropsychological testing and diagnostic imaging including DTI/MRI.

While the plaintiff missed approximately a full week from school and required temporary accommodations, he eventually returned to his studies on a full-time basis at a prestigious private day academy and completed his high school education. He was able to excel on his college entrance exams and applied for and secured offers of acceptance at several top-tier, nationally ranked and highly regarded universities.

The settlement was achieved after a private mediation and subsequent direct negotiations with both the camp and the bus company contributing to the settlement.