

# [Avoiding Exercise Equipment Injuries Saves Time, Aggravation and Money](#)

written by David Herbert | August 30, 2017

## **Avoiding Liability Bulletin - September 1, 2017**

Exercise equipment mishaps account for a frequent source of client injury, as well as client claims and lawsuits. Many of these cases are filed each year against health and fitness facilities, fitness professionals and equipment manufacturers. The costs and expenses of just investigating and defending against such claims and suits can be substantial, not to mention any possible adverse judgment arising out of these lawsuits. Despite the foregoing, many of these claims and lawsuits can be avoided through the application of various risk management techniques.

One of the very basic tactics used to manage the risk of such client injuries and the concomitant claims and lawsuits is to pick the right equipment, place that equipment in the proper locations, indoctrinate clients in the appropriate use of such equipment, supervise equipment use and then properly maintain said equipment.

Two recent cases should highlight the need for fitness professionals to take basic but extremely important steps to avoid untoward events associated with exercise equipment before such events ever take place. In the first of these cases from Massachusetts,[\[1\]](#) a health club member was injured on a treadmill in the summer of 2011 when she claimed the treadmill she was using increased in speed and caused her to fall. She claimed the machine would not stop even after an employee of the facility pushed an emergency stop button on the device. She claimed to have suffered numerous injuries as a result of her fall and brought suit for negligence. She alleged that her injuries were caused by the defendants' failure to instruct or warn her about using the treadmill's stop lanyard. The trial court granted the defendants' motion for summary judgment because the plaintiff member failed "to establish (through the introduction of expert testimony) the applicable standard of care owed her by the defendants, a breach of that standard of care, and causation."

The Massachusetts' court of appeals determined that "the question at issue is the very existence of a fitness club's duty to instruct or warn as to a particular safety feature, a question which we conclude requires expert testimony." Since the plaintiff presented no such testimony, the appeals court affirmed the defendants' right to summary judgment.

In another case from the state of California,[\[2\]](#) the plaintiff was injured at one of the defendant health club's facilities while he was using a "hack squat" exercise machine. The machine he was using at the time of his injury was not equipped with a safety break device which was located on similar machines he had used at the defendant's other locations. He argued that the facility increased the risk he would be

injured “by providing hack squat machines with ‘safety breaks’ at its other locations, and thereby ‘set a trap’ for [him] . . . to injure himself by causing him to expect a safety break on the machine at the . . . location [where he was injured].”

Injuries and the litigation which arise out of such fact patterns could perhaps be avoided if fitness professionals provide proper initial orientation and instruction to equipment users and the safety devices located on that equipment. Orientation on the equipment should include instruction on the use of each item of equipment and the applicable safety features of each such device.

In addition to the foregoing, supervision of equipment use is also an effective tool to be utilized to ensure that equipment is properly used. A little time and instruction in this regard can go a long way to avoid client injury not to mention later claims and suits, all of which will tax fitness professionals’ well-being and their bottom lines. The avoidance of exercise equipment injuries through the use of basic risk management techniques can save fitness professionals’ time, aggravation and money.

This publication is written and published to provide accurate and authoritative information relevant to the subject matter presented. It is published with the understanding that the author and publisher are not engaged in rendering legal, medical or other professional services by reason of the authorship or publication of this work. If legal, medical or other expert assistance is required, the services of such competent professional persons should be sought. Moreover, in the field of personal fitness training, the services of such competent professionals must be obtained.

*Adapted from a Declaration of Principles of the American Bar Association and Committee of Publishers and Associations*

[1] [Rosenberg v Kapper Too, LLC](#), No. 16-P-1656 (Appeals Court of Massachusetts, August 10, 2017).

[2] [Balinton v 24 Hour Fitness USA, Inc.](#), A140576 (California Court of Appeals, First District, Third Division, February 10, 2017).