

# **“Suicide Runs” Directed By Personal Trainer Result In Client Injury And Lawsuit**

written by David Herbert | January 3, 2017

## **January 2017 Avoiding Liability Bulletin**

According to the allegations of a recent lawsuit filed in a Pennsylvania federal court, a 61 year old client of a personal trainer brought suit against the club where the personal trainer provided service for injuries she received while she was directed by the trainer to perform “suicide runs.” According to the complaint, the client was instructed to repeatedly run forward to a weight placed on the floor, touch it and then run backwards to the starting line. The suit claims that during the run, the personal trainer directed her to go “faster, faster.” While running backward and attempting to comply with what she claims she was told, the client fell and fractured both of her wrists for which she had previous medical issues.

The personal training client’s complaint as filed made the following specific allegations of negligence:

- a) failing to regard the rights, safety, and position of the Plaintiff;
- b) providing incorrect, improper, and/or dangerous instruction to a business invitee;
- c) failing to ensure a safe exercising environment;
- d) failing to direct Plaintiff to engage in exercises commensurate with her age, health, and physical ability;
- e) directing Plaintiff to engage in exercises not commensurate with her age, health, and physical ability;
- f) allowing Plaintiff to engage in exercises not commensurate with her age, health, and physical ability;
- g) failing to direct Plaintiff to engage in exercises commensurate with her physical limitations;
- h) directing Plaintiff to engage in exercises not commensurate with her physical limitations;
- i) allowing Plaintiff to engage in exercises not commensurate with her physical limitations;
- j) directing Plaintiff, a sixty-one (61) year old woman with physical limitations due to cellulitis in her hand, to engage in “suicide” runs that included back peddling as fast as she could;
- k) allowing Plaintiff, a sixty-one (61) year old woman with physical limitations due to cellulitis in her hand, to engage in “suicide” runs that included back peddling as fast as she could;
- l) failing to properly instruct Plaintiff on how to perform “suicide” runs;
- m) allowing Plaintiff to perform “suicide” runs;
- n) encouraging Plaintiff to go faster during her “suicide” runs;
- o) instructing Plaintiff to perform “suicide” runs despite her age and physical limitations.
- p) failing to properly screen Defendants’ employees;
- q) failing to properly train Defendants’ employees;
- r) failing to properly instruct Defendants’ employees;
- s) failing to properly supervise Defendants’ employees;
- t) failing to provide a safe premises for Defendants’ business invitees and other customers;

- u) allowing improperly trained employees to provide inappropriate and dangerous personal training services to business invitees;
- v) allowing improperly supervised employees to provide inappropriate and dangerous personal training services to business invitees;
- w) failing to have and/or execute proper personal training procedures and protocols; and
- x) failing to control Defendants' employees.

In response to these assertions, the Defendant club denied the allegations and ultimately moved for summary judgment contending that the:

Plaintiff has not presented any evidence, either through her own testimony or through expert testimony, which can support a claim of negligence against Defendant. Specifically, Plaintiff's proofs are devoid of any evidence to demonstrate that Defendants' employee or the personal training session employed was negligent, inappropriate or improper in any way. In fact, due to the fact that such a determination is outside the scope of knowledge of the common person, Plaintiff should be required to support her claim through expert testimony, which is lacking in this case.

The Defendant also claimed that:

In the case of a specialized field such as personal training, an expert is necessary to impart guidance to a jury as to how or why a personal training program or exercise was a breach of a duty owed to Plaintiff. Here, Plaintiff failed to present the requisite expert opinion.

In defense of the suit, the Defendant also put forth the client's execution of prospective release documents waiving her right to suit for injuries sustained at the Defendant club during the personal training sessions. The personal training client opposed the motion for summary judgment and contended that so-called "suicide runs" were not an appropriate personal training activity for a 61 year old woman with various health conditions. She contended she had previously communicated those conditions to the personal trainer.

Despite all of the foregoing, the plaintiff did not present an expert to support her allegations since she contended that no such expert was required. In this regard, the Plaintiff asserted:

Suicide runs are not the type of activity that should be prescribed to a 60 [the Plaintiff's age was stated as both 60 and 61] year old woman with health conditions such as Mrs. Evans. Defendant's District Vice President Dorian Gallagher said it best when he characterized this activity as the type of exercise he engaged in while training to play high school football . . . Given . . . [the personal trainer's] knowledge of . . . [the client's] age and compromised physical condition, and the type of instruction given by . . . [him], a trier of fact could reasonably conclude that this activity was improper and that the Defendant's negligent training instruction caused . . . [the client's] injuries.

Ultimately the court granted summary judgment to the Defendant on the basis of the executed exculpatory clauses in the Defendant's Membership Agreement and in the Personal Training Agreement. The issue related to the Plaintiff's lack of an expert was thus never determined by the Court. Despite the ruling in this case, personal trainers should consider whether or not certain fitness activities may be appropriate for some clients. "Suicide runs" as described in this case may not be appropriate for

60/61 year old clients with prior health conditions even though such activities might be appropriate for some others such as younger athletes. Careful and thoughtful consideration should be exercised in accordance with industry standards and guidelines to develop appropriate fitness activities for clients. The standards and guidelines must be considered prior to the formulation of an exercise program for any personal training client, particularly with older clients or those suffering from adverse health conditions. Too much activity at too great a pace especially for older or ill prepared clients and for those with certain health conditions should be avoided.

“Too much”, “too soon” for many personal training clients often leads to injury and later claim and suit. Even if protective legal documents such as those used in this case ultimately protect against successful suit, adherence to appropriate exercise recommendations can avoid the filing of a lawsuit in the first place.