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Kentucky Court of Appeals Upholds Summary Judgment Obtained by WHT Attorneys

The Kentucky Court of Appeals recently handed down an opinion affirming a summary judgment entered by the Taylor Circuit Court in favor of WHT’s client, Trace Creek Girls’ Softball, Inc. A softball player claimed to have sustained injuries while sliding into a base during a game at Trace Creek Park, owned by the City of Campbellsville, and she filed suit against the city and the softball league under a premises liability theory. The defendants filed motions for summary judgment claiming immunity based on Kentucky’s Recreational Use Statute, as they owned or controlled the land, no charge was assessed for the plaintiff’s entry, and she was engaged in a recreational use of the land. The trial court granted both motions for summary judgment and the plaintiff appealed the matter.

In an opinion that is to be published, the Court of Appeals affirmed the trial court’s rulings, finding that there were no genuine issues of material fact and that the defendants were entitled to judgment. It found that the softball league constitutes an “owner” under the statute because it occupied and controlled the field. Even though the plaintiff paid a league participation fee, it was not considered a “charge” under the statute because it was not paid for the purpose of entering the land. Finally, the Court held that the statute’s language about what is a “recreational purpose” should be read broadly and encompasses team sports such as softball. The full opinion can be found here: [Court of Appeals Opinion - Trace Creek](#)

WHT attorneys Ashley Brown and Graham Barth obtained the summary judgement. Learn more about Ashley and Graham by visiting their bios at whtlaw.com.