

If A Horse Ran Away At A County Fair, Where Would That Runaway Horse Run?

-- Spectator Run Down By Runaway Horse Will Get Day In Court

The Supreme Court of Iowa ruled that a spectator injured by a runaway horse at a county fair gets her day in court, and that a trial court's dismissal of the case on the basis of Iowa's equine activity liability act was improper.

A woman who was working a church concession stand at a county fair was headed toward an exit on a pedestrian walkway when she was run down and injured by a runaway horse. The horse was pulling a buggy, and the owner/driver of the horse had screamed for people to get out of the way when she lost control of the horse as it bolted. The unsuspecting church worker did not get out of the way in time to avoid the galloping horse. She then sued the fair association for her injuries.

The trial court dismissed the case against the fair association after concluding that it was immune from liability under Iowa's equine activity liability act. "In granting immunity to the fair association under this legislation, the district court rejected [the injured woman's] contentions that (1) she was not a spectator as defined in the statute, and (2) a person who was alert to the inherent risks of domesticated animal activities would not have expected the activity that caused injury to her, thus triggering the exception to immunity provided by [the act]."

The injured woman successfully appealed the dismissal of her lawsuit, and the appellate court reinstated the lawsuit. While agreeing with the trial court's conclusion that the woman was a "spectator," the appellate court believed there was a legitimate question of fact as to whether or not a reasonable person alert to the risks inherent in an equine activity would expect a runaway horse to be galloping down a pedestrian walkway. If a reasonable person would not expect to encounter a runaway horse on a pedestrian walkway at a county fair, then the fair association could be found liable for the woman's injuries.

