

**Haunted House Negligence -
While running from an actor
portraying a chainsaw wielding
maniac on a haunted trail as part of
a haunted house experience (Fright
Nights), the plaintiff tripped on a
root and broke both her ankles –
she blamed the attraction company
for failing to maintain the trail
especially in light of the dark
conditions**

Jensen v. Fright Nights, 17-2231

Plaintiff: Brian M. Vines and
Jonathan B. Fannin, *Hare Wynn
Newell & Newton*, Lexington

Defense: Melissa T. Richardson and
Benjamin T. Harris, *WMR Defense*,
Lexington

Verdict: Defense verdict on liability

Court: **Fayette**, J. Bunnell,
8-7-19

It was Halloween in Lexington in 2016 and Sabra Jensen, in her mid-30s, decided to attend Fright Nights at Jacobsen Park. A company by that name operated a haunted house attraction. It started at “Momma’s Trailer”, participants then moving to

the Haunted Forest. The Haunted Forest was a dimly lit trail that traced through the park. The trail was covered with mulch and lights were strung to illuminate the trail for patrons. Just to make it more fun, an actor portraying a chainsaw wielding maniac would “chase” patrons.

Against this backdrop, Jensen showed up at Fright Nights with her boyfriend. They had a few beers before arriving to lubricate their experience. Jensen made it onto the trail and saw the actor with the chainsaw. She took off running.

Jensen would claim she tripped over a tree root and twisted both her ankle. Initially she believed the injuries were just a sprain and she went home and applied ice. The next day she sought treatment at the ER. In fact she had broken both ankles.

One fracture was more serious than the other and required a surgery to repair. The second fracture was described as an avulsion fracture and was treated like a strain. Jensen was immobile for some two weeks.

Jensen sued Fright Nights and alleged the premises were not in a reasonably safe condition. She cited the condition of the trail and the root as well as the dim conditions – this was all against the backdrop of the actor chasing her with a chainsaw. Jensen also pointed to a photograph of the trail (taken 18 months later in February of 2018) that revealed the root. Both Jensen and her boyfriend testified the picture was consistent with their memory of the trail and root over which she tripped.

If Jensen prevailed at trial, she sought her medical bills and lost wages of \$16,800. Employed as a traveling nurse, she was off work two months. The jury could award her \$500,000 more for her pain and suffering.

Fright Nights’ defense was simple.

Jensen was running on the trail and simply tripped – it also denied that Jensen had been chased. In her initial statement to attraction employees, this was her story. Only later did she indicate she fell in the dark as she tripped over a root.

Regarding the condition of the trail itself, Fright Nights developed that the trail was prepared every day – that included adding mulch and ensuring that lighting on the trail was working. Moreover casting doubt that Jensen fell over a root at all, Fright Nights noted that until the February 2018 picture, she had been unable to identify a specific hazard. Fright Nights too was skeptical of the photograph as taken 18 months later. It did not reflect the condition of the trail at the time the attraction was operating.

This case was tried for two days. The court's instructions asked if Fright Nights had failed to exercise ordinary care as to the portion of the trail where Jensen fell. The answer was no and thus the jury didn't reach Jensen's duties, apportionment or damages. A defense judgment was entered.