

Hitting Rock Bottom: Staying Safe at Concerts, Music Festivals and Other Shows and Events



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Staying Safe at Concerts and Events

When you are attending a concert, the last thing you want to worry about is that show's organizers have not provided a safe place for you and your friends and family to enjoy yourselves. The nature of concerts has changed drastically over the years, leading to more injuries and accidents. There is more equipment and technology as productions have increased to include light shows, moving platforms, pyrotechnics and other special effects. Harder styles of music have encouraged some unsafe spectator activities, including moshing, thrashing, crowd surfing and the wall of death, where moshers split into two groups on either side of a pit and run into each other.

In addition, multi-act festivals have become very popular, providing a range of popular and up-and-coming musical acts over the course of a day, evening, or weekend. Unfortunately, these concerts have been plagued with excessive drug use, with the most popular being MDMA, or Molly. It's no surprise, then, that these all-day events have had issues with drug overdoses, dehydration and overheating, overcrowding and security issues.



What Concert Organizers Need to Do to Keep You Safe

There are many factors that go into creating a safe concert environment. In one of the deadliest concert accidents, sixteen people watching an outdoor pop concert in South Korea fell approximately six stories to their deaths when a ventilation grate they were standing on collapsed. To prevent such tragedies, it is important for concert venues to ensure that buildings and structures are well maintained, adhere to all regulations and are not above the limit in how many people they can safely hold. When stairs, banisters, ramps, grates, bleachers and other structures are not regularly checked and maintained, accidents do happen and a very good case may be made against the responsible parties.



Who Are the Responsible Parties?

When something goes wrong at a concert that causes an injury or, in worst cases, death, there may be several responsible parties. These may include the venue owner, the concert promoter, the performers, hired security, and/or a tour management company. Often, there may be several of these parties that share liability for an accident.

These parties that plan, produce and put on the concert are responsible for making sure concert goers are safe from all foreseeable and controllable dangers.

This includes responsibility for the following:

- Maintaining buildings, structures, and equipment.
- Adhering to safety regulations and requirements
- Providing adequate security
- Limiting attendees to safe numbers, including those in general seating areas
- Providing adequate lighting
- Having necessary guard rails
- Enforcing legal age restrictions if there is any alcohol sold
- Not selling alcohol to anyone already intoxicated

Drugs, the Dangers They Present and Security Issues

Concerts, especially many of the music festivals, have had numerous drug problems. It is hard to blame a concert venue for someone's own decision to take drugs and so there is generally no case for a person who has been injured due to taking drugs. However, there may be a case when someone else is injured due to another concert goer being high on drugs. When someone on drugs is acting wildly or dangerously and is not ejected or dealt with in some way by security in a timely fashion, innocent bystanders are put in danger. This usually is the fault of the security company and they may be held responsible for injuries that result from them not properly doing their job.



Adequate security is essential to ensure any concert-goer, whether high or sober, is not acting dangerous or posing a threat to other concert-goers. Venues also need to provide security to maintain crowd control and prevent excessive pushing and trampling.

Mosh Pit Injuries

Moshing is a dance style where participants freely bump into each other in an area known as a “mosh pit.” This style of dancing typically varies in its aggressiveness and physicality, and it can have potentially serious consequences to both those participating and innocent bystanders nearby.

Examples of injuries incurred as a result of moshing are sadly all too common. In May 2008, over a hundred people requested medical assistance at the annual bamboozle music festival in New Jersey after a mosh pit spiraled out of control. The incident resulted in 50 victims being treated at a hospital and five arrests for disorderly conduct. There have been numerous other cases since then of mosh pit injuries at heavy metal concerts.

Two important factors to determine if you have a case in a mosh pit accident are:

1. If the person voluntarily engaged in the mosh pit
2. Based on the victims concert experiences, did he or she believe that moshing would occur



Parents would do well to educate their children about the possibility of *mosh pits* at concerts. While they are generally present at harder, more aggressive styles of music such as heavy metal or punk rock concerts, the potential for mosh pits exist at softer genre concerts as well. Instruct your child to immediately leave an area where moshing is occurring. Though often these mosh pits may seem to occur in a particular location, they commonly spread in size and veracity rapidly and usually before one has a chance to exit the area.

What to Do if You Are Injured at a Concert or Any Venue

So what legal recourse is available for those suffering injury at a concert? If you are injured at a concert due to any of the circumstances we discussed, you may have a case. These are the steps you should take:

1. If you have a camera, or a phone capable of taking pictures, immediately take pictures of your surroundings.
2. Make a note of who or what injured you.
3. Get names and contact information of any witnesses.
4. Ask for the name of a security guard or other concert staff member nearby.

5. Make note of the section of the concert you were located at during the time of the injury. If possible save your ticket stub.
6. Note the exact time that the incident occurred.
7. Report the incident to the venue and fill out an accident report.
8. If you obtain any medical treatment at the concert, ask for the name of the person treating you and obtain a copy of any documentation available.
9. Contact an attorney to discuss your legal options.

Taking the steps to gather and record as much information as possible will greatly help your attorney conduct a case on your behalf. Injuries at concerts can result in liability to many different parties, highlighting the importance of documenting the incident. The owner of the venue, the promoter, the band and even the company charged with security could all be a party to a lawsuit. The more efficient you are at collecting information and the quicker you contact an attorney, the more likely you will receive compensation for your injuries.

Is It Worth It To Pursue Your Case?

Not all injuries result in lawsuits. In order to have a personal injury case you must meet the following two requirements:

- Suffered an injury that was someone else's fault
- Have damages, such as medical bills, lost wages and pain and suffering

If you meet these requirements, estimate your damages. Make sure to include lost earnings, medical expenses, mental anguish, pain and suffering, the loss of you services and support to a



spouse or child. Using a worksheet to estimate your damages can help you or your attorney assess the value of your potential case.

Despite being frustrating and painful, either mentally or physically, relatively minor injuries may not be sufficient for a personal injury lawsuit. When deciding whether or not you should sue, you should ask yourself three questions:

Our Concert Injury Attorneys Are Here to Help You

Whether you think you have a case or you are unsure, our lawyers can sit down with you to discuss your case. Our consultations are completely free and come with no obligation—in fact you do not pay our personal injury lawyers anything until we get you a verdict or settlement. In other words, there are no out-of-pocket expenses.

If you've been seriously injured at a concert, contact Goldstein and Bashner for a free consultation at 516-222-4000. We can fully discuss your case, your legal options and let you know what we believe is the best course of action for you to take.

Want more information? Visit our website at www.eglaw.com for articles, blogs and frequently asked questions on concert injuries and other accidents.

Office Locations

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