

YOU AND THE LAW

Rugby Player Found Negligent for a Dangerous Tackle

Dani Laura Chelsea Czemuszka (Nee Watts)
v. Natasha Mercedes King
[2023] EWHC 380 (KB)
Case No: QB-2020-003394

Thomas H. Sawyer and Tonya L. Sawyer

Introduction¹

On 23 February 2023, a female rugby player won a landmark High Court case against a fellow player after she was left paralyzed following a dangerous tackle. The parties were playing rugby union at developmental level. The tackle occurred as the Plaintiff (Dani Czernuszka), who was playing scrum-half at the back of a ruck, bent down to pick up the ball. Before the Plaintiff had picked up the ball and while she was in a vulnerable position with her neck and spine exposed, the angry and emotional Defendant (Natasha King) put her

¹ Rugby is a popular sport for women in the United Kingdom and is growing rapidly in the United States which makes this case very important for females playing rugby in the US. Coaches and players need to pay close attention to the outcome of this case.

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bodyweight forward and down onto the Plaintiff, forcing her onto the ground with her back bent, fracturing her spine.

Claim

Plaintiff claimed damages in negligence from the Defendant (King) on the basis that Defendant failed to exercise such a degree of care as was appropriate in all the circumstances. Plaintiff alleged that the Defendant had a choice whether to proceed with the tackle or to desist and in proceeding with it, she breached her duty of care towards Plaintiff.

Background

On 8 October 2017, Plaintiff was paralyzed from the waist down after she was the victim of a dangerous and reckless tackle by angry Defendant, during a development level rugby match between her team Reading Sirens and Bracknell Ladies. Defendant, who was not penalized by the match referee for the tackle, denied that the tackle was dangerous and reckless, and stated that by playing the match, Plaintiff impliedly consented to the risk of injury.

Judgment

The Judge in this case, felt the Defendant should have modified her conduct because it was or should have been apparent that the Plaintiff was treating the situation as though there was still a ruck and had adopted a stance consistent with that, namely the stance of a scrum-half bending down to pick up the ball from the scrum which made her vulnerable as she was stationary, bent over and not suspecting that tackle was coming: so much so, or should have been, obvious to the Defendant. He therefore found that in this very unusual and exceptional context, the Defendant executing a move which was not within her experience, the Defendant is liable to the Plaintiff for the injuries which the Plaintiff sustained, and the judgment shall be for the Plaintiff. The Defendant's tackle was considered to be dangerous and reckless, and she is held liable in negligence to the Plaintiff for the injuries suffered.

Risk Management Discussion

In the Judge's ruling he held that players on both sides have a duty to be mindful of each other and to play with the understanding that enjoyment and learning are the main objectives, not winning. Coaches and sport administrators have a duty to impress upon student-athletes and youth athletes this important philosophy.

Further, the Judge concluded that the tackle executed by the Defendant was a dangerous and reckless act and fell well below an acceptable standard of fair play. It was executed with reckless disregard for the Plaintiff's safety in a manner which was liable to cause injury and that the Defendant was so angry and emotional that she closed her eyes to the risk to which she was subjecting the Plaintiff to was clear and obvious. The coaches and team captains should have known of the emotional state that the Defendant was in and removed her from the game prior to the incident. Coaches need to be aware of all their players emotional states so that incidents like this one do not happen.