



### **Splintered Bat Sends Spear of Wood Flying Into Safety Netting at Padres Game – Lands Just Feet Away from Unprotected Seats**

On July 21, 2015, a hit from San Diego Padres' Melvin Upton Jr. snapped his bat in half, sending a large, spear-like piece flying into the safety netting behind home plate at Petco Park. The shattered bat lodged into the netting, saving spectators from almost certain injury.

As shown in this video, the flying shrapnel stuck into the netting, with the point facing directly towards spectators, and most disturbingly, the shard landed just feet away from the edge of the protective netting.

“The video shows that had it not been for the safety netting behind home plate at Petco Park, spectators at the game that night would have undoubtedly been seriously injured or killed,” said Steve Berman, managing partner of Hagens Berman. “This incident is particularly hair-raising because it shows that had the bat flown just a few more feet, spectators just past this netting would have likely been hit.”

Hagens Berman recently filed a lawsuit representing MLB season ticket holders against the commissioner of Major League Baseball for his alleged failure to uphold his duties to enact safety measures against the danger of foul ball and bat injuries. The lawsuit seeks to force the commissioner to extend safety netting from foul pole to foul pole at all major and minor league baseball fields by the start of the 2016-2017 MLB season.

“This incident demonstrates the strength of the protective netting we propose, but more importantly underscores the danger faced by spectators sitting in exposed seats. It is time for Major League Baseball to act,” Berman added. “Former commissioner Bud Selig admitted many years ago that the issue of shattered bats ‘kept him up at night,’ and MLB has studied shattered bats for years, knowing that maple bats tend to shatter at a greater rate than other bats.”

The lawsuit alleges that tens of millions attend a Major League Baseball game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull

fractures, severe concussions and brain hemorrhages, when they are struck by a fast-moving ball or flying shrapnel from a shattered bat.

“It is also troublesome that after this latest incident, and just a little over a month after Tonya Carpenter’s life was altered forever when she was hit in the head by a shattered bat at an MLB game, that MLB.com somehow finds this incident humorous,” Berman said.

On the MLB.com website is an article titled “Spider-Man may be moonlighting for Padres grounds crew, scales netting for broken bat.” The article states, “OH, NO! WHO WILL SAVE THE BAT? WHO WILL BRING IT DOWN TO RE-JOIN ITS BAT FAMILY?!”

“Safety netting behind home plate saves spectators from injuries on a routine basis. Extending the safety netting from foul pole to foul pole would save lives and put an end to avoidable injuries in the most dangerous seating areas of MLB ballparks,” he added. “This latest incident makes this abundantly clear.”

[Learn more about Hagens Berman’s suit against the MLB’s commissioner.](#)