

**NEW JERSEY OPPOSING PLAYER SUES COACH
FOR ENCOURAGING AGGRESSIVE PLAY**

NYDEGGER

v.

**DON BOSCO PREPARATORY HIGH SCHOOL
202 N.J.Super. 535, 495 A.2d 485 (1985)**

In this case, plaintiff Kevin Nydegger, a member of the varsity soccer team of Bergen Catholic High School, was seriously injured in a game with defendant Don Bosco Preparatory High School. Don Bosco was coached by defendant Richard Zawacki. Nydegger was injured when he was "undercut" by a member of the Don Bosco team.

The parties stipulated [i.e. agreed prior to trial] that "**Zawacki did not instruct his players to intentionally injure Nydegger nor instruct anyone in moves that would intentionally injure an opposing player.**" Nydegger, however, argued that **Zawacki taught "his players to compete in an 'aggressive and intense manner' and that winning the game is all important.**" The issue before the court was, therefore, "**the duty of a high-school soccer coach to a player on the opposing team.**"

While recognizing that school personnel have a **duty to supervise activities of students**, the court found "**a coach cannot be held responsible for the wrongful acts of his players unless he teaches them to do the-wrongful act or instructs them to commit the act.**"

[I]n the absence of an instruction by a coach to one of his players to commit a wrongful act or his instructing one in moves or procedures that would increase the risk of harm to opposing players, a coach is not responsible to a player on an opposing team who is injured... Those who participate in a sport such as soccer expect that there will be physical contact as a result of 22 young men running around on a field 50 by 100 yards. Physical contact is not prohibited by the rules of soccer. Injuries do result. Those who participate are trained to play hard and aggressive...

In sum, no student or parent is blind to the realities of interscholastic athletics. The possibility of a serious injury exists regardless of the care exercised by schools and their personnel. **Imposing liability upon schools and their coaches based upon negligent or wrongful acts of players, committed during the course of play would have the practical effect of eventually eliminating interscholastic athletics.** Interscholastic athletic activities have become an integral part of the intellectual, physical, and social development of young people. No matter what the intentions or good purpose, a **coach cannot insure or guarantee that each and every member of his team will not commit a foul** or will not in the heat of the contest do an act beyond that which is acceptable... **Teaching players to be intense and aggressive is an attribute.** All sports and many adult activities require aggressiveness and intensity.

Since there was "**absolutely no evidence in the record**" that **Zawacki taught or instructed any of his players to commit wrongful acts**, the court entered judgment of dismissal in favor of defendants, Zawacki and Don Bosco.