

August 2, 2019

Justices McKinster, Codrington, and Raphael  
Fourth District Court of Appeal, Division Two  
3389 Twelfth Street, Riverside, CA 92501

Re: Request for Publication of *Hunter v. Anschutz Entm't Grp.*,  
E069724 (July 23, 2019)

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Honorable Justices:

The Association of Southern California Defense Counsel respectfully requests that this Court certify its July 23, 2019 opinion in *Hunter v. Anschutz Entertainment Group* for publication.

**Statement of Interest.** The Association is a preeminent regional organization of over a thousand California lawyers, specializing in defending civil actions. The Association is dedicated to promoting the administration of justice, educating the public about the legal system, and enhancing the standards of civil litigation practice. The Association is also actively engaged in assisting courts by appearing as amicus curiae, or filing requests for publication, in cases involving issues of significance to its members. The Association has no connection to any of the parties, lawyers, or law firms involved in this appeal.

**Reasons for publication.** *Hunter* is a primary assumption of risk case where the plaintiff was struck by a pedicab while working as a crossing guard directing pedestrian traffic at the Coachella Music Festival in Indio. She sued the festival producer that had contracted with her employer for general crowd-control services. The festival producer won summary judgment because plaintiff's employer "was hired to manage the hazardous condition which [she] alleges was the cause of her injury." On appeal, Plaintiff argued that the trial court erred in finding her employer assumed the risk of managing the dangerous condition that caused her injuries. This Court affirmed, concluding that the risk of a pedestrian traffic accident was a normal part of the job for which plaintiff's employer was hired. Therefore, the employer's employees, including Plaintiff, expressly assumed the risk of such a danger and the festival producer had no duty to protect them from it.

This Court's opinion provides a useful summary of the primary assumption of risk doctrine in the occupational context and then applies that law to a novel factual situation. The opinion also interprets the contractual language covering "crowd management services" to encompass pedestrian-vehicle accidents even without explicit language cover "traffic control." More generally, the opinion makes clear that an employee hired to protect others from particular possible harms necessarily assumes the risk of those particular harms.

In sum, the opinion satisfies the criteria for publication by applying an existing rule to a new set of facts, as well as addressing a legal issue of public interest, and making a significant contribution to the legal literature. The opinion would be valuable precedent and the Association urges its publication.

Respectfully submitted,  
Manatt, Phelps & Phillips, LLP

By: *s/Benjamin G. Shatz*

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cc: See attached Proof of Service