

## Dawn Collins

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**Subject:** FW: Town liability for player injuries

Thanks Dawn

Looks like we are okay re this concern, but should, at minimum, develop a maintenance list for the courts. I am concerned that we have that “gutter” between the courts at Glen Park. We looked into buying new gutter grates but couldn’t find any the right size and the cost to cut the concrete to an appropriate size for new grates was prohibitive. I think we should look into filling them with concrete and leaving only a slight depression for some drainage.

Reid

On Feb 10, 2025, at 9:00 AM, Dawn Collins <[dawn@palmer-lake.org](mailto:dawn@palmer-lake.org)> wrote:

Thank you!

Dawn Collins  
Town of Palmer Lake

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**From:** Jessica Cowlshaw <[jessicac@cirsa.org](mailto:jessicac@cirsa.org)>  
**Sent:** Monday, February 10, 2025 7:47 AM  
**To:** Dawn Collins <[dawn@palmer-lake.org](mailto:dawn@palmer-lake.org)>  
**Cc:** Nicholas Paoli <[nickp@cirsa.org](mailto:nickp@cirsa.org)>; Monique Ferguson <[moniquef@cirsa.org](mailto:moniquef@cirsa.org)>  
**Subject:** FW: Town liability for player injuries

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Hi Dawn,

I will also let Nick weigh in if he has anything additional to add, but I will note that Jane’s response below regarding governmental immunity is pretty spot on. Regarding the coverage with CIRSA, there are no exclusions for pickleball courts and therefore there is coverage if it’s needed. Though, possibly you’ll find protection under the Governmental Immunity Act. As Jane noted, the likely claims that could come from this would have to do with the physical condition of the property (which could fall under the holes in the governmental immunity act), and there is coverage for that. Claims arising from something like an inexperienced player being hurt by another player would be defended if you’re brought into the claim, but likely denied as you would not likely have any fault in the incident. I think it would be comparable to having a basketball court or a volleyball court or a tennis court in that way.

Nick may have more in depth information regarding safety measures that can be implemented to provide further protection for the Town, such as signage, reflective paint, maintenance lists, etc.

Let me know if you have any further questions.

Thanks!

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**From:** Dawn Collins <[dawn@palmer-lake.org](mailto:dawn@palmer-lake.org)>  
**Sent:** Friday, February 7, 2025 7:32 PM  
**To:** Monique Ferguson <[moniquef@cirsa.org](mailto:moniquef@cirsa.org)>  
**Cc:** Nicholas Paoli <[nickp@cirsa.org](mailto:nickp@cirsa.org)>  
**Subject:** FW: Town liability for player injuries

Any thoughts or direction on this concern about the new pickleball courts installed late last fall at Palmer Lake?

Dawn Collins  
Town of Palmer Lake

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**From:** Reid Wiecks <[reidwiecks@gmail.com](mailto:reidwiecks@gmail.com)>  
**Sent:** Friday, February 7, 2025 6:58 PM  
**To:** Dawn Collins <[dawn@palmer-lake.org](mailto:dawn@palmer-lake.org)>  
**Subject:** Fwd: Town liability for player injuries

-----**WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.**-----

Hi Dawn. I am still traveling but wanted to alert you to Dave's concern. Is this something we need to be concerned about or are the pickle ball courts covered under the "use at your own risk" policy? Thanks

Reid  
Sent from my iPhone

Begin forwarded message:

**From:** Jane Fredman <[Jane@fredmanlawco.com](mailto:Jane@fredmanlawco.com)>  
**Date:** February 7, 2025 at 4:11:55 PM EST  
**To:** David Jones <[djjdds.dj@gmail.com](mailto:djjdds.dj@gmail.com)>  
**Cc:** Sharon Kumpf <[sjkumpf@yahoo.com](mailto:sjkumpf@yahoo.com)>, John Tool <[tooljohn770@gmail.com](mailto:tooljohn770@gmail.com)>, Reid Wiecks <[reidwiecks@gmail.com](mailto:reidwiecks@gmail.com)>  
**Subject: Town liability for player injuries**

Dave,  
Eye injuries and lawsuits against the Town are possible. My opinion of a lawsuit against the Town for failing to warn a beginner player who chooses to play with an experienced group seems far-fetched to me, but anyone can sue for any reason – whether they are successful is another issue.

The currently posted sign at the PL courts has a statement that players may play there at their own risk. Whether that is sufficient is unknown and will be untested until someone decides to sue for an injury.

The Colorado Governmental Immunity Act allows a person to sue for a government's negligence in maintaining or failing to warn of a dangerous condition of a public park facility, but, that relates to a physical condition that creates a dangerous condition, not a person's decision to play there and then gets injured due to their own conduct (or another player's conduct). If a net was torn and someone fell into it and was injured, that might be a dangerous condition.

Here is a link to the definition of dangerous condition, which is a physical condition of the facility. [https://law.justia.com/codes/colorado/title-24/administration/article-10/section-24-10-103/#:~:text=\(1.3\)%20%22Dangerous%20condition%22,itself%2C%20constitute%20a%20dangerous%20condition.](https://law.justia.com/codes/colorado/title-24/administration/article-10/section-24-10-103/#:~:text=(1.3)%20%22Dangerous%20condition%22,itself%2C%20constitute%20a%20dangerous%20condition.)

If the Parks Commission is concerned about potential liability and whether more protective language can be posted at the courts, it can discuss it with the Town attorney, who is well-versed in governmental immunity law.

I do think the “gutters” on the side of some of the courts could constitute a dangerous condition, as we recognize the possibility someone could trip on them and get injured. We have discussed the Town painting a yellow strip along them to warn people of their existence.

Thanks,  
Jane

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**From:** David Jones <[djjdds.dj@gmail.com](mailto:djjdds.dj@gmail.com)>  
**Sent:** Wednesday, February 05, 2025 1:22 PM  
**To:** Sharon Rrr Pb <[Sjkumpf@yahoo.com](mailto:Sjkumpf@yahoo.com)>; Jane Fredman <[Jane@fredmanlawco.com](mailto:Jane@fredmanlawco.com)>; John Tool <[tooljohn770@gmail.com](mailto:tooljohn770@gmail.com)>; Reid Wiecks <[reidwiecks@gmail.com](mailto:reidwiecks@gmail.com)>  
**Subject:** Fwd: Earn your poaching license

Read the section on eye injuries. We probably need signage that people not wearing eye protection do so at their own [risk.dj](#)

----- Forwarded message -----