

# When pumpkins fly

By Jason Barney

A trebuchet (tre-byə-'shet) is a machine used in medieval siege warfare for hurling large stones or other missiles. It is essentially a large lever set in motion by a heavy weight dropped from one end of the lever, and is used to fling projectiles great distances—often greater than a thousand feet. So, in this age of modern warfare and precision munitions what present-day purpose can a trebuchet possibly serve? Why, hurling large pumpkins to amuse attendees of the local municipal harvest festival, of course!

This particular pumpkin pitch festival was set up with various competitive participants' trebuchets at the Member's local ball playfields with a generous 1,600 foot distance buffer and a setback on either side for spectators. Though as the Member noted after the accident, "Distance and length aren't the problem, its width and accuracy." So, when the operator of the "Squash O Fire" hurled his third shot it went wide right—and on impact exploded with shards of pumpkin striking a spectator within the designated viewing area.

A claim was made against the Member for trauma and contusions the spectator sustained to her shoulder and torso, and it was referred to WCIA for handling. The claimant was a fault-free spectator. The potentially responsible parties were the Member as property owner/event organizer and the owner/operator of the trebuchet. WCIA evaluated the claim for risk transfer and found that the Squash O Fire owner agreed to contractually indemnify the Member but a certificate of insurance in the Member's favor had not been secured, eliminating an opportunity to immediately tender the claim to the Squash O Fire insurer.

Still, WCIA was able to secure an equal shares contribution from the trebuchet owner's insurer and settled the claim on an equitable basis. However, this serves as a reminder that the likelihood of immediate risk transfer is enhanced when the Member is named as an additional insured on the vendor or participant's insurance policy as well as its written agreement to insure and contractually indemnify the Member. If you have questions about how to implement these risk transfer mechanisms or have concerns about pumpkin-pitching or other special events, please call your WCIA Risk Management Representative. Happy pumpkin chuckin'.