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## Trail lawsuit a big mistake

STAFF

Editorial - Monday, April 11, 2005 @ 07:00

The owners of mountain biking trails, as well as ride organizers and business associated with cycling, hiking and cross-country skiing, not to mention municipalities that host recreational trails, should consider a class-action lawsuit against James Leone.

Leone is a 31-year-old Toronto man who decided to go mountain biking on a trail in the Kolapore Uplands near Collingwood.

You know Collingwood —big, rugged escarpment country known for its rocky terrain.

Being of an age when personal responsibility and good judgment are reasonable expectations, Leone set off on a bicycle on a trail.

He fell. He hurt himself. Now, he is suing everyone his lawyers can think of in a bid to lay the responsibility for his injuries at the feet of anyone but himself.

Welcome to 21st-century Canada. Whatever happened to people being responsible for their own actions and accepting the consequences?

Nobody held a gun to Leone's head and made him go biking near Collingwood.

He chose to, and now he's suing everyone else.

Asinine litigation like this is costing us billions of dollars. Liability insurance rates are climbing so rapidly that companies have no choice but to pass the cost on to their customers.

Some companies reach a point where they can't manage the increases that way and they simply go out of business.

Litigiousness steals opportunities from us at every turn. And yet our civil court system and civil lawyers continue to fuel the madness.

Lawyers' interest in the farce is understandable. They make loads of money from this nonsense, whether their clients win or lose.

It's a little harder to understand the motivation of the judges who hear these cases. Perhaps deeply influenced by the litigious United States, they seem to have ranked personal responsibility so low on the scale of importance that it barely registers as a factor anymore.

Such reasoning leads to the conclusion that Leone did not fall and hurt himself because he was engaging in an extreme sport that causes a high percentage of injuries to those who practice it; rather, Leone hurt himself because of the trail.

It wasn't properly maintained.

It doesn't matter whether Leone wins his case. Insurance companies will react to the potential financial liability it poses.

This lawsuit, then, could do incredible damage to what is maturing into a spectacular network of trails and accompanying recreational opportunities throughout Ontario.

It will damage legitimate and responsible businesses through no fault of their own.

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It may dissuade municipalities to open up recreational and nature trails.

But, if you can't beat 'em, sue 'em.

A successful class-action counter suit may be the only way to stop this madness.

As a group, those with an interest in Ontario's trails should be able to prove in a court of law that the actions of Leone and his lawyers have had, and will continue to have, a direct and negative impact on their businesses.

It's absurd, but, when in Rome....

Discussion Closed

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