

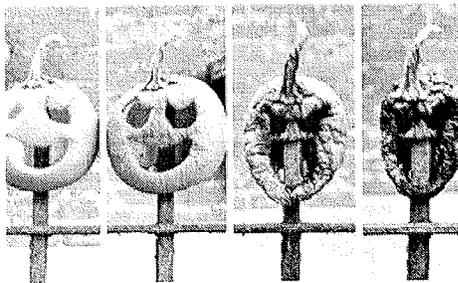
THE WALL STREET JOURNAL.

WSJ.com

October 30, 2013, 6:48 PM ET

Are Haunted Houses Liability Free?

By John W. Miller



Jane Greengold

Here's a question for Halloween: Can you sue if you get hurt or traumatized in a haunted house?

It's a scary issue for the haunted house industry as the phenomenon catches fire in this country.

American Haunts, a trade organization, estimated that the number of haunted houses has doubled to 1,200 in the last decade, representing \$500 million in annual revenue. And professionalization has turned haunted houses into what's often full-blown live theatre, with zombies, grim reapers and chainsaw murderers touching, or almost touching, customers.

With people darting around in dark rooms, corridors and halls, injuries, it would seem, are bound to happen.

Stephen Hummel, who was profiled in a [Wall Street Journal story](#) on Monday, has played different characters – from a corrections officer to a zombie to actor Michael Myers — in a haunted house at the former West Virginia Penitentiary for the last 13 years.

A few people every season get panic attacks and have to be attended to by paramedics, and nobody's ever sued or formally complained, he told Law Blog.

"They all come of their own free will," he says. "And they want to be scared, so complaining wouldn't make sense."

But what if somebody really gets hurt? Randy J. Maniloff, an insurance lawyer with White and Williams LLP in Philadelphia, [researched the issue](#) for his newsletter and found a handful of cases — oddly, he notes — all from the Louisiana Court of Appeal. The courts have backed the haunted house in disputes that have come up, he said, pointing to a handful of cases that landed in court as far back as 1973. The court has even protected haunted houses in a case when the visitor had finished the tour, he said.

Mr. Maniloff says that haunted houses need to respect basic safety codes. He adds that in the future, some courts might find haunted houses liable if there's a serious accident. "I was surprised to find that in every case the haunted house won," he told Law Blog, "but it wouldn't surprise me to see that in the future other courts view the same facts differently."

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