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OPINION

When balloons land in court

By Randy Maniloff New York Daily News • Mar 06, 2023 at 5:00 am



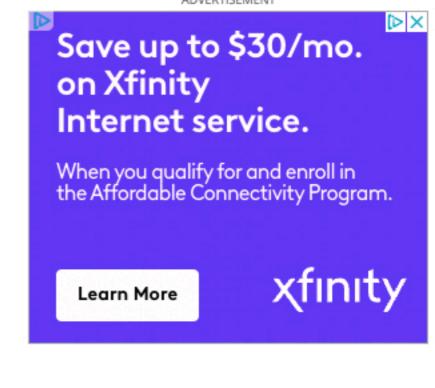


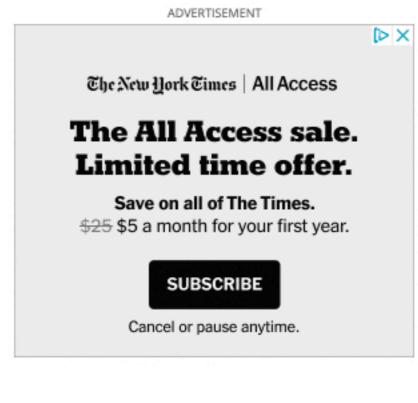
down, sometimes when problems with inflatables arise, they sometimes land in court. For two centuries, lawyers have been there to pick up the pieces.

A weather balloon turned up in a Mr. Brown's South Carolina yard.

While the Chinese spy balloon and the three other "objects" were shot

Attached to it was a small box with a radio apparatus. On it was a note instructing a finder to take it to the post office for return to the U.S. government. Brown, believing that the government might also want its balloon back, tied it to a tree. Later that night, concerned with blowing winds, he went to further secure it. But the oil lamp used to light his way caused the hydrogen in the balloon to explode. He suffered serious facial burns. A South Carolina federal court ruled in Brown vs. U.S. (1949) that Brown did not contribute to his injuries and awarded him just more than \$1,000.





potatoes and radishes. But the 200 people that rushed to the scene trod down flowers and other vegetables to the tune of \$75. Guille argued that he was not liable for these additional damages as they were caused by the trespassers who came to see the commotion.

Two hundred years ago, Charles Guille was forced to land his balloon

in a New York City garden. The downing resulted in \$15 in damages to



In Guille vs. Swan (1822), the New York trial concluded that, as a balloonist, the "aeronaut" should have foreseen that his descent would

"ordinarily and naturally, draw a crowd of people about him, either

from curiosity, or for the purpose of rescuing him from a perilous situation." Guille, the court concluded, "put himself in a position to invite help." Therefore, he was responsible for all of the damage to the garden. A weather balloon, owned by New Mexico State University, came down in a Texas farm that produced show sheep. Tragedy abound. Sheep

animals. The farmer sought damages from the public university of nearly \$135,000. The Texas appeals court, in NMSU vs. Winfrey (2011), following a discussion of state immunity laws, dismissed the action, concluding that the farmer needed to bring his case against the university in a New Mexico court.

died and breeding problems ensued, leading to more losses of animals.

In addition, breeding problems ensued, leading to more losses of

salvage rights under maritime law. Reed had apparently been waiting for just this opportunity. Reed blamed Bradley's owner for the loss of his balloon pilot's license, claiming that he had reported Reed to the FAA. Two years earlier, Reed sent a letter to Bradley's owner, stating: "I am going to pay you

back. It is my full and complete intention to destroy your business by

using every legal method available to mne."

balloons.

Bradley Productions' hot air balloon crashed off the California coast.

The passengers were rescued but the balloon remained in the water.

Frank Reed, a competitor of Bradley, after doing internet research,

determined that, if he reached the balloon first, he would have its

Reed hired a sport fisherman for the salvage job. But with no experience nor the proper equipment, the angler damaged the balloon beyond repair. A judge concluded that there was no legal authority to support Reed's interpretation of maritime law and awarded damages to Bradley. A California appeals court, in Bradley vs. Henderson (2001), affirmed.

Dangers can also lurk even with the most seemingly innocuous of all

As part of a cruise's welcome party, hundreds of balloons dropped from the ceiling of the ship's piano bar. Passenger Paul Brisk, claiming

that the balloons obscured his vision, stepped on a balloon and fell.

The 83-year-old suffered a buffet of injuries.

Brisk asserted several reasons why the cruise line was liable, such as causing a crowd to form, failing to inspect the piano bar, failing to train its employees and not promulgating risk-prevention policies.

obligated to pay. The judge in Brisk vs. Crystal Cruises (2018), applying maritime law, determined that "[t]he risk of stepping on a balloon while walking across a dance floor visibly strewn with hundreds of balloons is both open obvious."

But a California federal court concluded that the cruise line was not

Even only half-inflated, a balloon popped while Debbie Porter was blowing it up. She sustained an eye injury and claimed that there were "thin spots" in the balloon's membrane. An Ohio appeals court, in Porter vs. Gibson Greetings (1997), concluded that, despite not having an expert witness — often required in cases of defective products her claim did not burst. The court made the sage observation that "[t]he possible causes of balloon malfunction are, we cannot doubt, less numerous than the possible causes of automotive function."

Some cases are just perfect for windy lawyers.

Sheldon Thomas

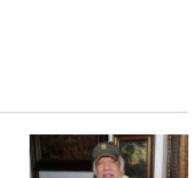
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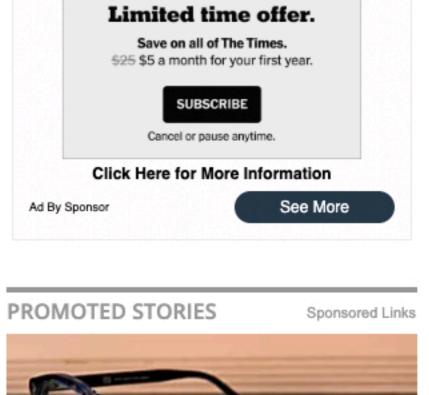


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