

Hard Rock Beats \$10M Stage-Diving Injury Suit At Trial

Share us on: By **Brandon Lowrey**

Law360, Los Angeles (August 16, 2016, 3:15 PM ET) -- A California jury on Tuesday found that the Hard Rock Hotel in San Diego was not liable in a \$10 million suit brought by a concertgoer who suffered a broken neck and other injuries after DJ Steve Aoki jumped into the audience from the stage during a 2012 concert.

The jury's decision comes after a two-week trial and hours of deliberation, finding that the concert venue was not negligent in failing to prevent Aoki from performing his ill-fated stage dive.

Brittany Hickman sued Hard Rock and Aoki in August 2013, saying that she suffered a fracture in her neck that eventually required surgery and left her with headaches, pain and dizziness. Aoki has settled the claims against him.

Hard Rock argued that it didn't know Aoki would take the unplanned dive and that it had numerous security guards nearby but they didn't have time to react.

Aoki took the leap on May 27, 2012, during a crowded outdoor concert at the Hard Rock. He sent a large inflatable raft out into the crowd, then climbed about 20 feet up a truss near the stage and jumped onto the raft, said Hickman's attorney Jeremiah A. Lowe of Gomez Trial Attorneys.

Hickman was under the raft and didn't see Aoki coming, Lowe said.

The force of Aoki's landing knocked Hickman unconscious, Lowe said. She woke up inside the hotel, where someone was bandaging her ankle, but didn't know what had happened or why she was there.

Hickman had jaw and neck pain that grew increasingly worse. After she returned home to Arizona, doctors told her that she had a fractured neck and fitted her with a neck brace.

After months of wearing a brace, Hickman began feeling better. But once the brace was off, she began feeling radiating pain. She had a herniated disc, Lowe said, that would eventually require surgery.

The surgery alleviated some of the symptoms, but others, such as migraines and dizziness, have persisted and robbed Hickman of the active lifestyle she treasured, her attorneys said.

Hickman's attorney John Gomez of Gomez Trial Attorneys told jurors during closing arguments on Monday that his client deserves \$2 million in damages for past suffering and \$8 million for future suffering, plus up to \$783,000 in future medical expenses, he said.

"She loved to work, she loved to travel, she loved to be active, she loved sports," he said. But now, he said, "you have a person in her 20s essentially living the life of a person in her 60s."

Kevin Gramling of [Klinedinst PC](#) told jurors, however, that Aoki alone is responsible for Hickman's injuries, and that they aren't as serious as Hickman contends.

He said that some of Hickman's symptoms were consistent with concussion injuries but lasted far longer than a concussion injury would. He said that Hard Rock's experts would offer differing views on Hickman's injuries.

Gramling also placed the blame for those injuries on Aoki.

He said that Hard Rock had 50 security guards on duty that day, and most of them were in the area where Hickman was injured. But Aoki didn't broadcast his intent to jump from the truss, Gramling said.

During closing arguments on Monday, Gramling told jurors that Hickman didn't appear to be honest about her injuries. He showed photographs of Hickman and her sister snorkeling that Hickman claimed were taken during a family vacation several years before the stage dive.

"Something's not right with those photos, folks," he said. "Those girls are not the same age in those photos. Those photos are not taken on the same day, the same week, the same month, the same year."

Instead, he said, some of the photos appeared to have been taken during a 2012 cruise, taken about a month after the stage-diving incident.

He also accused witnesses of offering "scripted" testimony, evidenced by their suspiciously repeated statements that Hickman was "not a complainer."

In a brief rebuttal on Tuesday, Gomez offered a retort to Gramling's contentions that Hickman's case was largely fabricated.

"The only thing manufactured in this case is the defense, A to Z," he said.

For more coverage of this trial, visit [Courtroom View Network](#).

Hickman is represented by Jeremiah A. Lowe, John Gomez and Allison C. Worden of Gomez Trial Attorneys.

Hard Rock is represented by Hartford O. Brown, Kevin Gramling, and Ernest L. Weiss of Klinedinst PC.

The case is Hickman v. Hard Rock Cafe International (USA) Inc., case number 37-2013-00064985-CU-PO-CTL, in the Superior Court of the State of California, County of San Diego.

--Editing by Stephen Berg.