

## Woman can't sue battleship over injury

By **JIM WALSH** • Courier-Post Staff • December 31, 2010

**CAMDEN** — A grandmother who was hurt in a fall aboard the Battleship New Jersey cannot sue the Waterfront attraction, an appellate court ruled Thursday.

Patricia Zavilla of Florida broke her right knee when she fell on stairs while touring the ship with her husband and 6-year-old grandson in April 2008. She then sued the Home Port Alliance, which runs the ship as a museum and memorial.

But a three-judge panel said Thursday the Alliance had charitable immunity as a nonprofit educational facility.

That immunity typically protects charities from lawsuits filed by someone who suffers damages due to negligence when the person is benefiting "to whatever degree" from the nonprofit's activities, the ruling noted.

Zavilla had contended she visited the battleship as a tourist looking to "have some fun with (her) grandson," and not for educational purposes.

However, the appellate decision said Zavilla's self-guided tour "advanced (the Alliance's) goal of educating the public about the vessel's history."

"The fact that (Zavilla) may have participated in the self-guided tour only to show the battleship to her grandson, and that she claimed to have no interest in its history, is of no consequence," it added.

The appellate decision noted the Alliance was a nonprofit founded in 1998 to "provide for the charitable and educational needs of the community" by maintaining the ship as a museum and memorial. The battleship draws some 250,000 visitors annually, according to the ruling.

The judges also rejected Zavilla's argument that, as a Florida resident, she was not part of the community that benefits from the Home Port Alliance's charitable work.

Thursday's ruling upheld a March 19 decision in the battleship's favor by **Superior Court Judge**

Michael Kassel in Camden.

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