



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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STATE SEEKS TO APPEAL SACRED FALLS DECISION

Attorney General Earl Anzai announced today that, after consulting with insurance counsel, the State will seek to appeal the recent Sacred Falls decision which concluded the State was liable. Anzai said the court erroneously concluded that the nine warning signs in place at Sacred Falls Park at the time of the tragedy did not adequately warn park users of the nature, severity and location of the danger of falling rocks. Anzai noted the signs specifically warned of the danger of falling rocks, warned that falling rocks had caused death and injuries in the past, and warned that if the public were to proceed past the signs, they should do so only at their own risk, and they should use extreme caution.

At the gated entrance the sign warned "The upper end of the trail and the falls area are bordered by rocky cliffs and are subject to FALLING ROCKS and ROCK SLIDES. Use trail at your own risk." Another sign posted near the pedestrian gate warned: "FALLING ROCKS ARE DANGEROUS. THEY HAVE RESULTED IN DEATH AND INJURIES HERE. ROCKS FALL AT UNPREDICTABLE TIMES AND WITH LITTLE OR NO WARNING." Along with the other seven signs the public was adequately warned of the dangers of falling rock at the park, and the State therefore should not be liable for the deaths and injuries that resulted from the rock fall tragedy.

Anzai further noted that the State is not legally required to have perfect signage in place. He also pointed out that the public has personal responsibility for their own actions and should not be allowed to ignore signs and proceed at their own risk and then sue the State for injuries.