



## Sexual Choking Liability Issues

In reports to NCSF's Incident Reporting & Response program, data shows a rise since the pandemic of individuals using personal injury attorneys to get payouts for medical expenses. These Personal Injury Payouts don't go to court because the people involved don't want to have to pay \$5,000-10,000 for an attorney to fight the case:

- Most people who report to NCSF pay up immediately rather than have their personal lives or brand damaged. A civil lawsuit can draw the attention of law enforcement, and people risk being outed to their employers and attract media attention.
- These cases usually involve injuries – often from punching or choking or branding. Others involve accusations of sexual assault.
- Individuals and groups/events typically receive a demand letter if they or one of their presenters, organizers, volunteers or attendees is involved.

Sex Educators run a risk of being considered a Substantial Factor in Death or Injury if they teach people how to “safely” choke someone, and a death or serious injury results from the choking.

- One example reported to NCSF involving the homeowners of a party where someone was injured by sexual choking at their House Party were held responsible for medical bills:
  - **The payout was \$40,000**
  - A host choked his partner and she had a stroke
  - The homeowners and the host both paid
  - The home owners had to take out an equity line on their house.

Other publicly reported examples of 3<sup>rd</sup> parties being held responsible as Substantial Factors in Death or Injury due to sexual choking:

- The mother of a sexually choked cheerleader filed a wrongful death lawsuit in 2021 against her former boyfriend and Trinity University.
- The parents of a sexually choked college student sued Pub Webb in 2019 for negligence, alleging that its employees served too much alcohol prior to their rough sex encounter.
- Civil lawsuit filed against mother after sexual choking death in 2015 because she gave them alcohol and got them a hotel room for the night.