

Appendix 3: Survey of United States Volunteer Protection Act Case Law

Methodology: searches were conducted on the Westlaw US database for case law mentioning the ‘Volunteer Protection Act’, or the VPA’s code numbers (42 USCA §14503; 42 USCA §14501). The lists were then compared and all duplicate cases removed. Each decision was then read, and false positives which refer to different legislation, such as the ‘Florida Volunteer Protection Act’, or the ‘Kate Puzey Peace Corps Volunteer Protection Act’ were removed (these are noted in Table 3 below). Each decision was then analysed and allocated into two classes, the first class contains cases in which the VPA was used, or pleaded, (these are found in Table 1 below). The second class contains cases in which the VPA was briefly mentioned, for instance by analogy, but was not pleaded, or utilised, (these are found in Table 2 below). The first class was then further analysed, and the following details extracted: case name and citation, court, level of court, stage of litigation, parties sued, torts, context, VPA defence success, and then notes which detail if/how the defence was challenged and further details as to the litigation. This material was then extracted to provide the empirical data in Chapter 6.

<p>Table 1</p> <p>Table of United States VPA Cases</p>								
Case	Court	First Instance/ Appeal	Stage of Litigation	Volunteer (V) and Organisation (O) sued?	Tort(s)	Context	VPA Defence Successful	Notes
<i>Avenoso v Mangan</i> , 40 ConnLRptr. 637, 2006 WL 490340	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Volunteer sport coach, child injured.	Yes	Summary judgment granted for volunteer. Claimant disputed VPA defence. Tried to add in recklessness to pleadings at later stage, failed to amend; also argued that volunteer’s actions not

								<p>within scope of duties – failed.</p> <p>Organisation sued via vicarious liability; organisation tried to also deploy VPA defence – arguing that they too were protected – failed (club unable to reply on defence).</p>
<p><i>Waschle ex rel Birkhold-Waschle v Winter Sports, Inc,</i> 127 FSupp3d 1090, 2015 WL 5178421</p>	<p>Federal (US DC Montana)</p>	<p>First Instance</p>	<p>Application for Summary Judgment</p>	<p>V and O sued</p>	<p>Negligence</p>	<p>Sport, exchange teenager, skiing; host family were volunteers for international exchange programme, failure to warn of skiing dangers.</p>	<p>Yes</p>	<p>Summary judgment granted for volunteers.</p> <p>State volunteer protection defence also deployed, (greater protection provided by state statute).</p> <p>Claimant disputed VPA defence. Tried to challenge volunteer status – failed. Tried to argue volunteer conduct wilful/wanton – failed.</p> <p>Claim against organisation continued.</p>

<i>Armendarez v Glendale Youth Center, Inc</i> , 265 FSupp2d 1136, 2003 WL 21241210	Federal (US DC Arizona)	First Instance	Application for Summary Judgment	V and O sued	Fair Labor Standards Act Claim	Employee, FLSA claim for unpaid wages; volunteer directors sued. Organisation insolvent.	Yes	<p>Summary judgment granted for volunteers.</p> <p>Statutory tort, claim not brought on contract. VPA defence also applies to Federal law claims.</p> <p>Obiter (since claim not brought in contract), Court considered VPA also applied to contract claims.</p> <p>Claim against organisation continued.</p>
<i>Elliot v La Quinta Corp</i> , 2007 WL 757891	Federal (US DC Mississippi)	First Instance	Jurisdictional hearing	V sued	Negligence	Youth basketball team trip, youth drowned in lake.	Yes	<p>Claim against volunteer did not continue.</p> <p>Jurisdictional federal/state diversity issue.</p> <p>Organisation not sued as unincorporated/informal.</p> <p>Claimant disputed VPA defence on basis</p>

								that organisation not qualifying one under VPA – failed. As volunteer had VPA defence, and only ordinary negligence was argued the claimant was improperly joined. Case remanded to state court (claim against other defendants continues).
<i>Sweeney v Friends of Hammonasset</i> 140 ConnApp 40, 58 A3d 293	State (Appellate Court of Connecticut)	Appeal	Appeal against Summary Judgment	V and O sued	Negligence, Premises Liability	Nature appreciation event at state park; nature walk ('owl prowling'); slip and trip.	Yes	Summary judgment for volunteer and organisation upheld. Claimant disputed VPA defence on basis that VPA applied only to decision making/oversight negligence, and not supervisory negligence – failed. State volunteer defence also deployed by volunteer (greater protection than VPA). Volunteer protected

								by both Acts. Organisation also successful (had no premises liability as did not control the State Park).
<i>Sweeney v Friends of Hammonasset, Inc,</i> 52 ConnLRptr 834	State (Superior Court of Connecticut)	First Instance	Summary Judgment	V and O sued	Negligence, Premises Liability	Nature appreciation event at state park; nature walk ('owl prowling'); slip and trip.	Yes	For appeal see above. Summary judgment for volunteer and organisation. Claimant disputed VPA defence on basis that it did not protect volunteer from non-economic loss – failed. State volunteer defence also deployed by volunteer (greater protection than VPA). Volunteer protected by both Acts. Organisation also successful.

<i>Entler v Koch</i> , 85 AD3d 1098, 72 ALR Fed2d 597	State (Supreme Court, Appellate Division, NY)	Appeal	Appeal against Refusal to Grant Summary Judgment	V and Os sued, (organisations sued)	Negligence	Boy scout, sexual abuse by youth counsellor, sued volunteer scout commissioner for negligence, and organisation for breach of direct duty, and for vicarious liability.	Yes	Summary judgment for volunteer and organisation. Claimant disputed VPA defence on basis that volunteer grossly negligent and wilful – failed. Court held: unlikely that volunteer negligent, but also protected by VPA. Organisation (BSA) not negligent, also not vicariously liable for second organisation (a smaller incorporated scout group). BSA also successful.
<i>Gaudet v Braca</i> , 2002 WL 31440878	State (Superior Court of Connecticut)	Appeal	Appeal against Summary Judgment	V and O sued	Negligence	Concession stand on school football field fell on the claimant during a football game causing injuries.	No	Summary judgment overturned. Claim against volunteer continued. Volunteer not protected. Claimant disputed VPA defence on basis that the volunteer did not work for an eligible organisation, further vicarious

								liability and the organisation is unclear – accepted; the eligibility of the organisation was an issue for trial.
<i>Gaudet v Braca</i> , 2001 WL 1617208	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Concession stand on school football field fell on the claimant during a football game causing injuries.	Yes	For appeal see above (overturned). Summary judgment for volunteer. Per Thim J, at [2]: ‘Immunity for charitable works is not a new concept in American legal history. However, the focus of the immunity has changed from protecting the charity itself to protecting the volunteer who is helping the charity... Charitable immunity, unlike volunteer immunity, insulates the charity from liability while the volunteer remains liable... In contrast, under the VPA, the

								volunteer is protected while the nonprofit organization or governmental entity may still be held liable.’
<i>Gaudet v Signore</i> , 2001 WL 761056	State (Superior Court of Connecticut)	First Instance	Motion to Strike	V and O sued	Negligence	Concession stand on school football field fell on the claimant during a football game causing injuries.	Yes	For appeal see above (overturned). Action struck out. Claimant disputed VPA defence on basis that the volunteer was grossly negligent – rejected. Court did not recognise gross negligence, so allegations irrelevant.
<i>McGeorge v Town of Hamden</i> , 2012 WL 1434904	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment.	V and O sued	Negligence	Personal injury, sport, tennis. Tripped on cracks in tennis court. Negligence claim against volunteer and organisation; public nuisance claim against organisation.	Yes	Summary judgment for volunteer. Organisation also succeeded, but on other grounds.
<i>Hochman v Eddy</i> , 57 ConnLRptr 827	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V sued (O not sued)	Negligence	Youth football game. 16 year old spectator asked to volunteer for role of line marker.	Yes	Summary judgment for volunteer. Claimant disputed

						Claimant player ran into volunteer line marker.		VPA defence on basis that: (a) defendant was not a volunteer as was giving a one off service – rejected; (b) defendant was grossly negligent – rejected, as conduct could only amount to ordinary negligence as it was momentary inattention, (c) a constitutional challenge to the VPA – rejected.
<i>Hochman v Cheshire Junior Football, Inc</i> , 2014 WL 5355229	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	O sued	Negligence	Youth football game. In previous case volunteer had successfully applied for summary judgment using VPA defence (see <i>Hochman v Eddy</i> (above)).	No (O not protected)	Application for summary judgment rejected. Organisation claimed that they were not vicariously liable for volunteer and protected by VPA – rejected. VPA does not immunise organisation.

<i>Hochman v Eddy</i> , 2014 WL 3907041	State (Superior Court of Connecticut)	Appeal	Application to Re-argue and Reconsider Summary Judgment	V sued	Negligence	Youth football game. In previous case volunteer had successfully applied for summary judgment using VPA defence (see <i>Hochman v Eddy</i> (above)).	Yes	Decision for summary judgment unchanged. Application made since defendant allegedly made contrary claims in <i>Hochman v Cheshire</i> (see above). Claimant disputed VPA defence on basis that volunteer worked for the match officials, not the organisation, (did not meet organisational requirement of VPA) – rejected. Volunteer volunteered for the organisation. Defence upheld.
<i>Peeples v North End Baseball League of Bridgeport, Inc.</i> , 2016 WL 6499072	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Personal injury, sport. Child playing baseball, injured stepping into hole on pitch.	Yes	Summary Judgment for Volunteer. Volunteer was president of league. Claimant did not oppose volunteer's application for summary judgment. Claimant did not allege that volunteer had done anything

								wrong. Claim against organisation continued.
<i>Segway, Inc v Special Olympics Connecticut, Inc</i> , 2015 WL 1244509	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Personal injury. Segway competition. Person injured, sued Segway who settled. Segway in turn sued organisation and volunteer for an indemnity.	Yes	Summary Judgment for volunteer. Claimant disputed VPA defence on basis that volunteer was being paid by third party – rejected. Claimant had alleged that he was an agent of the voluntary organisation and as an agent of the organisation he was unpaid. Claim against organisation continued (organisation's summary judgment application failed).
<i>Meyer v Beta Tau House Corp</i> , 2015 31 NE3d 501, 2015 WL 1810247	State (Court of Appeals of Indiana)	Appeal	Appeal against Summary Judgment	V and O sued	Negligence and Defamation	Fight in fraternity. Claim brought against organisation, and president (a volunteer).	Yes	Summary judgment allowed for volunteer and organisation. VPA defence protected volunteer

								from both torts.
<i>Koenig v USA Hockey, Inc Division</i> , 2010 WL 4642923	Federal (US DC SD Ohio)	First Instance	Application to Amend Claim	V and O sued	Breach of Consumer Sales Legislation; Breach of Contract	USA Hockey ended the membership year early, meaning that members did not get full value of their year. USA Hockey sued. Claimant tried to add volunteer board of directors (67 volunteers) to the action.	No	<p>VPA defence unsuccessful, but court refused to allow volunteers to be added to the claim for other reasons.</p> <p>VPA defence deployed in an attempt to stop volunteers being added to the claim. Not all requirements of VPA pleaded at this stage so defence failed.</p>
<i>Singletary v Poyton</i> , 38 ConnLRptr 705	State (Superior Court of Connecticut)	First Instance	Motion to Strike	V and O sued	Negligence	Personal injury. Stage equipment, injury during school play rehearsal, volunteer manning stage lift.	No	<p>Motion to strike denied. VPA defence unsuccessful.</p> <p>Court decided that it was inappropriate to use VPA in a strike out context – the court needed more facts. Court referred to VPA as a defence, rather than an immunity.</p>

<i>Shafer v Sullivan</i> , 2006 WL 1530183	State (Superior Court of Connecticut)	First Instance	Summary Judgment Application	V and O sued	Negligence	Veterans of Foreign Wars establishment. Alcohol to minor. Facts unclear.	Yes	Summary Judgment for volunteer. VPA defence protected volunteer. Claim against organisation continued.
<i>Institute of Cetacean Research v Sea Shepherd Conservation Society</i> , 774 F3d 935; 2015 AMC 34214	Federal (US Court of Appeals 9th Circuit)	Appeal	Appeal against Civil Contempt Proceedings	V and O sued	Civil Contempt Proceedings	Whalers brought action against conservation organisation, which mounted campaign to prevent whalers from killing whales in the Southern Ocean. Injunction granted against organisation. Allegations that organisation in contempt of order.	No	Volunteer board members liable for contempt. VPA does not affect the power of Federal courts to impose civil fines to redress contempt.
<i>Dogs Deserve Better, Inc v New Mexico Dogs Deserve Better, Inc</i> , 2016 WL 6396392	Federal (US DC New Mexico)	First Instance	Motion for Default Judgment	V and O sued	Trademark infringement, Unfair Business Practices, Negligence	Use of trademarked name by another voluntary group.	Yes	Default Judgment set aside. Court decided volunteers may have meritorious defence under VPA, so allowed default judgment to be set aside.

								Claimant disputed VPA defence on basis that group was not incorporated at the time, and/or the volunteer acts were wilful – rejected at this stage. Case proceeded against volunteers and organisation, however, the volunteers merely applied to set aside default judgment on the basis that they had a defence, and this argument succeeded.
<i>Owen v Bd of Directors of Washington City Orphan Asylum</i> , 888 A2d 255	State (District of Columbia Court of Appeals)	Appeal	Appeal	V sued	Enforcement of Trust, Breach of Fiduciary Duties, Diversion of Funds, Conversion	Board of directors of orphan asylum corporation brought action against the corporation's board of trustees.	No	VPA defence failed. Volunteers not protected. Board of Trustees' ousting of Board of Directors and discontinuance of funding asylum was outside scope of their responsibilities, and thus they were not protected by VPA. Court did not decide whether VPA protects from actions in equity

								as volunteer trustees' acts were outside their scope of responsibilities.
<i>Ayala v Birecki</i> , 17 MassLRptr 175, 2003 WL 23147174	State (Superior Court of Massachusetts)	First Instance	Summary Judgment Application	V and O sued	Negligence	Volunteer soccer coach driving to deliver equipment, hit motorcyclist.	No	<p>Summary judgment denied to volunteer. Summary judgment granted to organisation.</p> <p>Court - summary judgment not appropriate for negligence cases as the case raises number of questions of fact.</p> <p>Organisation successful due to MassGL c231, §85V, (No non-profit association conducting a sports or sailing program shall be liable to any person for any action in tort as a result of any acts or failures to act in rendering such services or in conducting such sports program.</p>

								Statute not pre-empted by VPA).
<i>Memphis Health Center, Inc ex rel Davis v Grant</i> , 2006 WL 2088407	State (Court of Appeals of Tennessee)	Appeal	Appeal	V sued	Derivative Action, Breach of Fiduciary Duty	Board of directors. Breach of fiduciary duty, and contempt of court order.	No	Defence unsuccessful. Action brought on behalf of organisation; VPA does not protect against actions brought against volunteers by their organisation.
<i>Kashani v Rochman</i> , 2013 WL 635962	State (Court of Appeal, Second District, Division 4, California)	Appeal	Appeal against Summary Judgment	V sued	Breach of Contract, Promissory Estoppel, Negligence, Breach of Fiduciary Duty	Planning permission. Neighbours objected. Neighbours were members of community organisation, allegedly used membership of organisation to object to planning.	N/A (Defence not Decided/ Needed)	Volunteers successful. Claimant alleged VPA did not apply to breach of fiduciary duty; also alleged organisation was not a volunteer organisation for the purposes of the VPA. Court did not decide issue as claimant did not produce evidence that defendant was negligent/in breach of fiduciary duty. Defence not needed.
<i>Shaheen v Yonts</i> , 2009 WL 87458	Federal (US DC, WD Kentucky)	First Instance	Summary Judgment Application	V and O sued	Negligence	Fraternity member who drank alcohol drove car which struck victim. Fraternity	N/A (Defence not Decided/	Summary judgment for volunteer and organisation.

						sued. Volunteer alumni adviser to fraternity sued.	Needed)	Volunteer owed no duty of care. Court - no need to examine VPA as no duty. Organisation - no duty/breach of duty.
<i>Hall v Bean</i> , 416 SW3d 490, 2013 WL 3086820	State (Court of Appeals of Texas, Houston)	Appeal	Appeal against Summary Judgment	V and O sued	Tortious Interference with Rights, Breach of Fiduciary Duty	Homeowners' association sought temporary injunction to prevent homeowners from selling homes to city following hurricane, and homeowners brought counterclaim against officers of association alleging breach of fiduciary duty. Officers of association were volunteers.	No	Summary Judgment reversed. Volunteers unsuccessful. Claimant disputed VPA defence on basis that volunteers intentional/not in good faith, and organisation did not fulfil VPA requirements – accepted. Court - summary judgment was not proper as volunteers did not establish the facts that they were entitled to the defence. To be determined at trial/not suitable for summary judgment. Case to continue.

<i>Lomando v US</i> , 2011 WL 1042900	Federal (US DC New Jersey)	First Instance	Summary Judgment Application	V and O sued	Federal Torts Claims Act, Negligence	Medical negligence. Volunteer doctors, failed to diagnose cancer. Non-profit health clinic.	N/A (Defence not Decided/ Needed)	Summary judgment for volunteers and organisation. VPA defence raised. NJCIA (state statute) granted immunity to physicians. VPA not required in case. US asserted immunities under NJCIA and VPA. Language of FTCA strongly suggests that US may assert immunities available to its employees; but language of VPA suggests otherwise. Point not decided as Court used NJCIA. US immune under NJCIA.
<i>World Chess Museum, Inc v World Chess Federation, Inc</i> , 2013 WL 5663091	Federal (US DC Nevada)	First Instance	Motion to Dismiss	V and O sued	Infringement of Registered Service Mark, Unfair Competition, IP Wrongs: Statutory and Common Law	Dispute over use of name 'World Chess Hall of Fame'.	No	Motion to Dismiss not granted. Volunteer unsuccessful. Claimant disputed VPA defence on basis that (a) volunteer not acting within scope of

								<p>responsibilities, and (b) volunteer acted knowingly and wilfully in violating IP law – accepted. Court: claimant raised issue of fact which was not appropriate to deal with in motion to dismiss.</p> <p>Claims continued. VPA defence (at this stage) unsuccessful.</p> <p>R Jones, District Judge: ‘[t]he few courts to address the VPA’s protections appear to treat it as an affirmative defense akin to immunity.’</p>
<i>Manter v Abdelhad</i> , 32 MassLRptr 7092014 WL 7466738	State (Superior Court of Massachusetts)	First Instance	Summary Judgment Application	V and O sued	Negligence	Clergy abuse, (physical and sexual). Organisation and 14 volunteers sued, along with clergy, and abuser clergyman. Alleged volunteers failed to spot, or do anything about the abuse.	Yes	<p>Summary judgment granted for volunteers.</p> <p>Claimant disputed VPA defence on basis that (a) organisation not a qualifying one under the VPA – rejected; (b) psychological/</p>

								economic harm was not covered by VPA defence – rejected; (c) criminal nature of the abuse meant VPA defence excluded – rejected (the volunteers were alleged to be negligent, the criminality was the clergyman’s abuse); and (d) the volunteers were grossly negligent – rejected (no evidence that would sustain gross negligence). VPA defence allowed.
<i>City of Postville v Upper Explorerland Regional Planning Com’n</i> , 834 NW2d 1	State (Supreme Court of Iowa)	Appeal	Appeal against Summary Judgment	V and O sued	Violation of the Iowa Open Meetings Act, Damages	Failure of a vote to comply with open meetings requirement. Organisation (regional planning commission) and volunteers sued.	N/A (Defence not Decided/ Needed)	Summary judgment for volunteers affirmed on appeal. Volunteers asserted VPA defence and state immunity legislation. Volunteers immune under state law. Court did not need to address VPA.

<i>Coley v Vanguard Urban Imp Ass'n, Inc</i> , 2014 WL 4793825, 2014 Wage&Hour Cas2d (BNA) 168, 857	Federal (US DC, ED New York)	First Instance	Motion to Dismiss	V and O sued	Violations of the Fair Labor Standards Act (FLSA), and the New York Labor Law	Employment, fair wages, failure to pay proper wages for all hours worked.	N/A (Defence not Decided/ Needed)	<p>Motion to dismiss allowed. Volunteer successful.</p> <p>Volunteer argued that he was not an employer under FLSA, also that protected by VPA. Court - not an employee under the FLSA; no need to consider VPA, as volunteer is not an employer.</p>
<i>Moldenhauer v Tazewell-Pekin Consol Communications Center</i> , 2006 WL 3842086	Federal (US DC, CD Illinois)	First Instance	Application for Summary Judgment	V and O sued	Violations of the Family Medical Leave Act (FMLA)	Employment, dismissal, sick leave.	N/A (Defence not Decided/ Needed)	<p>Summary judgment granted for volunteer.</p> <p>Volunteer argued that protected by VPA. Defence not required, point moot, as claimant not entitled to relief under FMLA.</p>
<i>James v Paton</i> , 2016 WL 1449207	Federal (US DC, WD Washington)	First Instance	Motion to Dismiss	V sued	Negligence, Breach of Fiduciary Duties, Breach of Trust	Self-Dealing.	No	<p>Partial motion to dismiss. Volunteers unsuccessful.</p> <p>Volunteers argued that protected by VPA – failed. Claim brought by their organisation</p>

								so no VPA protection. Volunteers dropped defence. Some of volunteers protected via other means, (eg limitation) – partial motion to dismiss.
<i>American Produce, LLC v Harvest Sharing, Inc</i> , 2013 WL 1164403	Federal (US DC Colorado)	First Instance	Application for Summary Judgment	V and O sued	Breach of Contract, Statutory Trust Claims, Trust Violations, Breach of Fiduciary Duty, Conversion	Produce supply.	No	Summary judgment denied. Volunteers unsuccessful. Claimant disputed VPA defence on basis that, (a) volunteers were not volunteers for the purposes of VPA, and (b) VPA does not protect from trust violations – accepted. Court: VPA does not protect volunteers from violations of Federal statute claim, only state law, (court disagreed with <i>Armendarez</i>). Defence unsuccessful. Claim against volunteer continued.

<i>Morgan v Mississippi</i> , 2008 WL 449861	Federal (US DC, SD Mississippi)	First Instance	Motion to Dismiss	V and O sued	Failure to Treat, Improper Imprisonment, Constitutional Rights	Prisoner claimed conditions not adequate. Sued amongst others volunteer director of prison inspection body.	Yes	Motion to Dismiss granted. Volunteer protected by VPA.
<i>Neighborhood Assistance Corp of America v First One Lending Corp</i> , 2012 WL 1698368	Federal (US DC, CD California, Southern Division)	First Instance	Motion to Dismiss	V and O sued	Trademark Violations, Statutory Claim, Unfair Competition	Fraud, defendant charged homeowners facing foreclosure for services (which were provided for free) by a non-profit. Defendant used false and misleading marketing, pretended to be the non-profit, took customer's money, and then referred customers to the non-profit for the free service. Non-profit sued.	No	<p>Motion to Dismiss not granted.</p> <p>Fraudster claimed to be volunteer, and claimed protection under VPA. Claimant disputed VPA defence on basis that the organisation was not a not-for-profit. Individual defendant argued it was. Court - VPA not a valid basis for motion to dismiss as there were disputed facts. Defence failed. Motion to dismiss denied.</p> <p>This case appears to be a particularly unmeritorious attempted use of VPA; being used to protect a</p>

								<p>fraudster, working for an organisation that is designed to make him money.</p> <p>D Carter, District Judge: '[t]he few courts to address the VPA's protections appear to treat it as an affirmative defense akin to immunity.'</p>
<i>Rider v Tennis Enterprises, Ltd</i> , 2013 WL 6926154	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	O sued	Negligence	Minor injured whilst practising lacrosse. Alleged that coaches not properly trained.	No	<p>Summary judgment not granted to organisation.</p> <p>Organisation attempted to use VPA to protect itself. Claimant disputed VPA defence on basis that VPA does not apply to organisations – accepted. Claim continued</p>
<i>Droz v Karl</i> , 736 FSupp2d 520	Federal (US DC, ND New York)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Lawyer's negligence in setting up trust.	N/A (Defence not Decided/ Needed)	<p>Summary Judgment granted to volunteer.</p> <p>Defendant argued that claim time barred, and that no lawyer/client relationship, alongside</p>

								VPA defence. Court - accepted time barred, and no relationship; no need to consider VPA.
<i>Howeth Investments, Inc v City of Hedwig Village</i> , 259 SW3d 877	State (Court of Appeals of Texas)	Appeal (evidencing First Instance VPA case)	Judicial Review Appeal	V and O sued	Violation of Texas Open Meetings Act, Violation of Due Process, Interference with Contract.	Planning Permission Denial.	N/A (VPA defence accepted at first instance, not challenged on appeal). Yes – at first instance.	<p>In previous stage of litigation the volunteer members of the board were sued in personal capacity, and relied on a range of immunities, including judicial immunity, official immunity, and the VPA. Trial court below accepted the defences, including the VPA.</p> <p>This is a judicial review case, but note that the VPA was not relevant or considered in this appeal, but the case evidences the success of the VPA in earlier part of the litigation.</p>

<i>Nunez v Duncan</i> , 2004 WL 1274402	Federal (US DC Oregon)	First Instance	Application for Summary Judgment	V and O sued	Violation of Constitutional Rights, Unlawful Strip Search, Negligence (unclear) against ACA	Prisoner. Sued prison, and also President (a volunteer) of body that accredits prisons. The body (ACA) is a voluntary accreditation body, (prisons do not need to be accredited by them).	Yes	Summary Judgment granted for volunteer and volunteer organisation. Volunteer protected by VPA. Appears claim against prison continued.
<i>Probert v Family Centered Services of Alaska, Inc</i> , 2011 WL 13187285	Federal (US DC Alaska)	First Instance	Application for Summary Judgment / Motion to Dismiss	V and O sued	Unclear on face of decision.	Unclear on face of decision.	Yes	Summary judgment granted for volunteer. Claim against volunteer dismissed. Volunteer was unpaid President of Board. Claimant disputed VPA defence on basis that the defendant's acts were wilful/criminal – rejected (no evidence of this). VPA defence successful.
<i>Foss v Nadeau</i> , 2003 WL 22853695, 36 ConnLRptr 23	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence, Defamation, Intentional Infliction of Emotional Distress	Claimants banned from football association. Volunteer presided over meeting which expelled the	Yes	Summary Judgment granted for volunteer. VPA protected volunteer against all negligence claims.

						claimants.		Claim against organisation continued in part.
<i>Grant v Phillips</i> , 2013 WL 4585661	State (Court of Appeal, First District, Division 5, California)	Appeal	Appeal against Costs	V sued for indemnity	Costs in Tort Claim, (after loss)	Volunteers had previously brought a derivative action on behalf of a church against its pastor for breach of trust/misrepresentation. Volunteers now appealed against a decision finding them liable to indemnify defence costs.	N/A (Defence not Decided/ Needed)	Judgment for costs against volunteers reversed. Volunteers deployed VPA to protect them from costs award and also argued California statute did not permit indemnification. Court found that California statute did not permit the indemnification to be awarded against an individual, so Court reversed previous decision. VPA defence not required, (or discussed).
<i>Levy v Worthington</i> , 2011 WL 5240442	Federal (US DC Colorado)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Cycling collision at velodrome resulting in heart attack and death. Sued volunteer who opened the track (amongst others).	No	Application for summary judgment not granted to volunteer. Action against volunteer continued. Volunteer deployed VPA defence.

								Claimant was unable to rebut VPA arguments as discovery had not yet been made. Defence rejected until discovery had been completed; court gave leave to re-file the application for summary judgment after discovery made. Defence unsuccessful at this stage.
<i>Churchill Downs Inc v Thoroughbred Horsemen's Group, LLC</i> , 2009 605 FSupp2d 870, 2009 WL 804156	Federal (US DC WD Kentucky)	First Instance	First Instance	V and O sued	Antitrust Violations, and Breach of Contract	Betting; horseman's group clubbing together to influence prices of signals.	N/A (Defence not Decided/ Needed)	Claims against volunteer dismissed. Court did not need to address VPA as claims against the individuals dismissed for other reasons.
<i>Basaldua v Farinacci</i> , 2015 WL 5156905	State (Court of Appeals of Texas)	Appeal	Appeal against Summary Judgment	V sued	Fraud, Tortious Interference with Contract, Tortious Interference with Prospective Relations,	Home Owner's Association (HOA) prevented person (homeowner) from proceeding with work on their house, (by suing them). Builder who was to carry out the work sued HOA	Yes	Summary Judgment upheld on appeal. Volunteers successful. Volunteers advanced VPA defence and state statutory defence.

					Breach of Contract, and Aiding and Abetting	members (volunteers) and the homeowner.		
<i>Bisby v Garza</i> , 2008 WL 2403714,	Federal (US DC SD Texas)	First Instance	Motion for Discovery (Procedural Application)	V and O sued	Civil Rights claim	Personal injury. Trip and slip case occurring in a prison, brought as a civil rights claim by prisoner. Sued prison, and also a volunteer who worked for a body which accredits prisons (ACA). The body is a voluntary accreditation body, (prisons do not need to be accredited by them).	N/A (Defence not Decided/ Needed)	Discovery application failed. The body advanced that its officers were protected by VPA defence. As a discovery application the VPA was not looked at. VPA was mentioned in the decision, in the context that the volunteer intended to use it as a defence later in the litigation.
<i>Johnson v Black Equity Alliance, Inc</i> , 26 Misc3d 1219(A), 907 NYS2d 100 (Table), 2010 WL 424040, 2010 NY Slip Op 50178(U)	State (Supreme Court, NYC, NY)	First Instance	Motion to Dismiss	V and O sued	Unlawful Termination, Failure to Pay Wages Due, Unlawful Discrimination , Aiding and Abetting Violations of the New York City Human Rights Law	President and CEO of Organisation endorsed mayoral candidate for NYC. Unauthorised by organisation, and political activity endangered organisation's not-for-profit status, so organisation sacked CEO.	N/A (Defence not Decided/ Needed)	Actions against volunteers dismissed. Volunteers advanced VPA defence, and defence under NY Statute for not-for-profit directors. Volunteers protected under NY legislation - actions against volunteers dismissed.

								Action against organisation continued. VPA defence was not required.
<i>Collier v Clayton County Community Service Bd</i> , 236 FSupp2d 134590 Fair EmplPracCas (BNA), 12038 Wage&HourCas 2d (BNA) 647	Federal (US DC ND Georgia)	First Instance	Application for Summary Judgment	V and O sued	Employment Law – Retaliation, and Racial Discrimination	Action against County Community Service Board, alleging retaliation and racial discrimination.	N/A (Defence not Decided/ Needed)	Summary Judgment granted to Volunteers. Volunteers pleaded VPA; VPA not required as volunteers otherwise had qualified immunity against the claim.
<i>Maisano v Congregation Or Shalom</i> , 2009 WL 4852207	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence, (and also Wrongful Dismissal)	Abuse of employee, wrongful dismissal of bookkeeper at synagogue, (maternity/ disability/ whistleblowing etc). Alleged that volunteers did not adequately supervise their employee (the Chief Executive at the synagogue) who acted inappropriately.	No	Summary judgment not granted. VPA defence failed. Volunteers not protected. Volunteers pleaded VPA as primary defence. Claimant disputed VPA defence on basis that, volunteer president was aware of the CEO's conduct, and that this was a conscious flagrant

								indifference to her rights. Volunteer did not allege that his actions were only ordinary negligence, and did not evidence that his actions were only ordinary negligence. Defence failed. Claim continued against volunteer.
<i>Doe v Corporation Of President of Church Of Jesus Christ of Latter Day Saints</i> , 81 MassAppCt. 11269, 64 NE2d 370, 2012 WL 1080445	State (Appeals Court of Massachusetts)	Appeal	Appeal against Summary Judgment	V and O sued	Negligence, Gross Negligence, Intentional Infliction of Emotional Distress, and Civil Conspiracy	Sexual abuse of the claimant by a volunteer babysitter during a monthly church group meeting. Argued insufficient screening of babysitter, and awareness of his tendencies. Once Church aware of abuse allowed abuser back into the church (seen by the abused). Volunteer clergymen and volunteer mission presidents sued.	Yes	<p>Summary Judgment for volunteers and organisation affirmed.</p> <p>Volunteers protected by VPA defence – not grossly negligent, and did not intentionally inflict harm/conspire.</p> <p>Court also seems to accept that volunteers were not negligent (they had no knowledge of abuser's previous acts, or propensities).</p>

<i>Smith ex rel Rodela v Parents & Teachers Together</i> , 2003 WL 21480716	State (Court of Appeals of Michigan)	Appeal	Appeal against Summary Judgment	V and O sued	Negligence	Personal injury. Child injured when under care provided by Parents and Teachers Together (PATT), which was conducting a meeting at School which his mother was attending. Child struck in the head by a student who was practicing cheerleading manoeuvre. Sued school, PATT, and PATT volunteers.	Defence not Decided.	<p>Volunteers pleaded VPA along with other state government immunity legislation. Claimant alleged not entitled to government immunity, and that they were grossly negligent. Appeal Court - reversed finding on government immunity, did not decide if PATT and volunteers entitled to such protection – issue to go back to trial court.</p> <p>VPA mentioned once, but not discussed again. Claim against volunteers continued (the focus on government immunity seems to have meant that the VPA point was ignored). VPA mentioned, but not used (even though obviously applicable). Claim against</p>
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								volunteers continued, volunteers unsuccessful.
<i>Curley v Philo</i> , 2009 WL 2152323	Federal (US DC ND New York)	First Instance	Application for Summary Judgment	V and O sued	First Amendment Free Speech claim	First amendment free speech claim against school board. Escorted out of a meeting.	N/A (Defence not Decided/ Needed)	Summary judgment granted for organisation and volunteer. Volunteer raised VPA. Court considered it not necessary to deal with VPA as no violation of constitutional rights. VPA mentioned in a footnote in the case.
<i>Caron v Waterford Sports Center, Inc</i> , 2002 WL 31898081	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Go-karting, personal injury, negligence case; move for summary judgment based on releases, waivers of liability, and covenants not to sue.	N/A (Defence not Decided/ Needed)	Summary judgment granted as deceased had signed waiver. VPA raised by volunteer, case determined on other grounds (waiver) so court did not need to consider VPA defence.
<i>Galindo v Board Of Directors Of Latin American Civic Ass'n</i> , 2006 WL 93287	State (Court of Appeal, Second District, Division 4,	Appeal	Appeal	V and O sued	Wrongful Termination, Breach of Contract, Intentional	Employment dispute in a non-profit.	Yes	Judgment of lower court upheld, (volunteers protected). Lower court found for

	California)				Infliction of Emotional Distress, Negligence, Unfair Business Practices			<p>volunteers, including on VPA defence. Claimant challenged this on appeal. Claimant disputed VPA defence on basis that: (a) the defendants were not volunteers - rejected, (claimant had earlier failed to challenge volunteer status, and had accepted that they were volunteers), and (b) volunteers were grossly negligence – rejected.</p> <p>VPA protected volunteers from negligence claims; further volunteers were not parties to the employment contract and did not commit other intentional torts.</p>
<i>Trinkaus v Mohawk Mountain Ski Area</i> , 2003 WL 21404676, 35	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued	Negligence	Skiing injury on scout trip. Claimant alleged that scout leaders should not have given him a snowboard.	Yes.	<p>Summary Judgment granted to volunteers.</p> <p>Defence protected volunteers. Organisation's</p>

ConnLRptr 121								application for summary judgment rejected.
<i>Haltom v Parks</i> , 2017 WL 933042	Federal (US DC D Nebraska)	First Instance	Motion for Dismissal	V and O sued (alongside many others)	Constitutional Violations	Domestic dispute, state taking away children from claimant.	Yes	Claim against volunteer dismissed. Volunteer pleaded VPA and state protective legislation, (which incorporates VPA). Claimant failed to plead elements that would overcome VPA defence – defence successful.
<i>Jean-Charles v Perlitz</i> , 937 FSupp2d 276	Federal (US DC D Connecticut)	First Instance	Motion for Dismissal	V and O sued	Negligence, Alien Tort Statute Claim, Breach of Fiduciary Duty	Sexual abuse. Victims of alleged sexual abuse by founder of school for economically disadvantaged children in Haiti brought action against chair of board overseeing operations of the school, another board member, and the university where the chair worked. Alleged negligent supervision.	No	Motion to dismiss not granted. Claimant disputed VPA defence on basis that defendants were not volunteers as they were paid. Court would not decide matter at motion to dismiss stage. VPA defence failed at this stage. Claims against volunteers and organisation

								continued.
<i>Howeth Investments, Inc. v White</i> , 227 SW3d 205	State (Court of Appeals of Texas, Houston)	Appeal	Appeal against Summary Judgment	V and O sued	Unlawful regulatory taking under the Texas Constitution	Real estate development company and its president brought action against city, city's planning and zoning commission, and commission members who voted against the company's applications.	N/A (Defence not Decided/ Needed)	<p>Judgment of trial court amended to dismiss claims against volunteers without prejudice.</p> <p>Claimant abandoned its claim against the volunteer members of the board, (who raised VPA defence), and first instance court granted summary judgment. Claimant argued that Court could not grant summary judgment as claim had been abandoned, instead should have dismissed claim without prejudice – accepted.</p> <p>The VPA is mentioned here, but the case was not decided on this ground, as the claimant abandoned the claim.</p>

<i>Melucci v Sackman</i> , 37 Misc3d 1212(A), 961 NYS2d 359, 2012 WL 519276320, 12 NY Slip Op 52002(U)	State (Supreme Court, Kings County, New York)	First Instance	Motion for Dismissal	V and O sued	Gross Negligence	Missing records and funds in a non-profit. Removal of complainant/whistle- blower from the board. Volunteer board members sued.	No	Derivative claim brought on behalf of the organisation. Claims dismissed, due to procedural defect, as claimant did not have standing to bring derivative action. Volunteers invoked VPA defence, amongst others, (including limitation). VPA defence failed - does not protect from actions brought by the organisation itself.
<i>Davis v American Society of Civil Engineers</i> , 330 FSupp2d 647	Federal (US DC ED Virginia)	First Instance	Application for Summary Judgment	V and O sued	Conspiracy, Tortious Interference with Business Relations, Tortious Interference with Contract, Civil Rights Claim, Breach of Contract	Former employee sued former employer and three of its former presidents, alleging, discriminatory termination, harassment on basis of race, and breach of contract.	N/A (Defence not Decided/ Needed)	Summary Judgment granted. Claimant was unable to prove claims. Claimant disputed VPA defence on basis that VPA did not apply to civil rights violations. The Court held point moot - did not need to address this point as claimant did not prove their

								claims.
<i>Thorkelson v Publishing House of the Evangelical Lutheran Church in America</i> , 2012 WL 12905832	Federal (US DC Minnesota)	First Instance	Leave to File Amended Complaint (Procedural application to add Volunteers to the Claim)	V and O sued.	Breach of Trust, Breach of Fiduciary Duty, Breach of Duty of Disclosure, Breach of Contract, Promissory Estoppel, and Consumer Fraud	Pensions class action. Underfunded pension.	No	Volunteers added to claim. Volunteers argued immune for suit due to VPA defence. Court - cannot conclude on VPA defence at this stage. Discovery would bear out if trustees' conduct was wilful or reckless. VPA defence failed at this stage.
<i>Ventres v Goodspeed Airport, LLC</i> , 2008 WL 2426790	State (Superior Court of Connecticut)	First Instance	Application for Summary Judgment	V and O sued (as part of counterclaim)	Abuse of Process, Defamation, Tortious Interference with Business Relations, Malicious Prosecution	Alleged unlawful clear cutting of 2.5 acres in an environmentally sensitive area, and reaction of citizens, town officials and commissioners. Statement by member of land trust that she was appalled by airport's cutting of trees; prior litigation concerning removal of trees.	(Defence not Needed)	Summary judgment granted for volunteers and organisation. Volunteers plead VPA defence – Court dealt with VPA in a footnote stating volunteers are protected by VPA. Summary judgment granted for other reasons, VPA comments therefore obiter.

<i>General Steel Domestic Sales, LLC v Denver/Boulder Better Business Bureau</i> 2009 WL 535780	Federal (US DC Colorado)	First Instance	Motion to Dismiss	V and O sued, (amongst others including employees and journalists)	Conspiracy	Alleged conspiracy to show manufacturer was violating consumer law. Organisation urged Colorado Attorney General to investigate claimant; the claimant had to settle the AG's action for \$4.5 million. Claimant sued Defendants for reporting them, encouraging and assisting the CO AG.	N/A (Defence not Decided/ Needed)	Court dismissed all claims as having no basis in law. Volunteers raised VPA defence – defence not required as claim dismissed on other grounds.
<i>Smith v Kroesen</i> 2014 WL 1248456	Federal (US DC New Jersey)	First Instance	Application for Summary Judgment	V sued	Negligence	PI, sport. Rugby player punched opponent, and was then kicked by member of opposing team, which injured him. Injured rugby player, brought action against opposing player alleging assault, battery, and an action against the opposing team's (volunteer) coach for negligence. Claimed coach negligent in coaching his team.	Yes	Summary Judgment granted for volunteer. Volunteer coach deployed VPA defence, along with state volunteer statutory defence. Claimant disputed VPA defence on basis that coach was grossly negligence – rejected. Some evidence of coach negligence, but not gross negligence. Volunteer protected by the defence.

<i>Tresona v Burbank High School Vocal Music Association</i> , 2017 WL 2727796	Federal (US DC CD California)	First Instance	Application for Summary Judgment	V sued	Unclear (intellectual property related)	Breach of intellectual property. Volunteers were sued for their organisation singing a song under copyright, however, it was sung at a time before they were members of the club.	N/A (Defence not Decided/ Needed)	Summary judgment granted for volunteers. Volunteers deployed VPA defence, along with state volunteer protection defence. Court determined case on the basis that the volunteers were not members of the club at the time of the wrong. Volunteers argued that Court should determine VPA defence issue since claimant may file claims in relation to other songs. Court refused to do so as not required for present case, and the issue of good faith would need to be examined in each case.
<i>Momans v St John's Northwestern Military Academy, Inc</i> 2000 WL 33976543	Federal (US DC ND Illinois)	First Instance	Procedural application to remand action to (State) Circuit Court	V and O sued	Negligence, Fraud	Action in fraud against school and volunteer members of its Board of Trustees. Claimants alleged that they were persuaded to enrol their children	No	Volunteers unsuccessful. Volunteers had not been added improperly, case remanded to County Court.

						at school based upon misrepresentations. Further, Defendants failed to prevent students from being physically and emotionally abused.		For jurisdictional issue the Court had to consider whether there was a reasonable possibility that the claimant could sustain claims against the individual volunteers. Volunteers advanced VPA defence, and state protective legislation. Court: VPA and state legislation could not protect against allegations of wilful conduct and fraud allegations (wilful).
<i>Woodward v DCCCA Inc</i> 2011 WL 3704729	Federal (US DC D Kansas)	First Instance	Motion to Dismiss	V and O sued	Unclear on Face of Judgment	Unclear on Face of Judgment.	Yes	<p>Motion to dismiss granted.</p> <p>Volunteer pleaded VPA defence and state volunteer protection legislation. Claimant did not respond to motion to dismiss, or VPA defence. Claimant delayed responding to motion to dismiss, did not</p>

								give good reasons for doing so.
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Table 2	
Table of Cases which mention VPA, but which are not VPA cases	
Case	Notes
<i>Gaudet v Braca</i> 2001 WL 761053, (Superior Court of Connecticut)	This is not a VPA defence case, rather the application was by the defendant to strike out the gross negligence allegation (which occurs in the context of the VPA defence deployed by the volunteer). Gross negligence claim struck out.
<i>Weise v Casper</i> 2010 562 US 976131 SCt 7 (Mem) 178 LEd2d 314, (Supreme Court of the United States)	Justice Ginsberg dissenting from denial of certiorari. Obiter brief reference to VPA: ‘I see only one arguable reason for deferring the question this case presents. Respondents were volunteers following instructions from White House officials. The Volunteer Protection Act of 1997, 111 Stat. 218, 42 U.S.C. §14501 et seq., had respondents invoked it in the courts below, might have shielded them from liability. Federal officials themselves, however, gain no shelter from that Act.’
<i>Lomando v US</i> , 667 F3d 36380, ALR Fed2d 699, (US Court of Appeals, 3rd Circuit)	Appeal against Summary Judgment. Appeal in relation to whether the NJCIA (state statute) immunity was shared by the US. VPA mentioned, but obiter.
<i>Atlantic Cas Ins Co, Inc v River Hills Antique Tractor Club, Inc</i> , 2012 WL 40467 (US District Court, ED Missouri)	Case relates to construction of policy of insurance. VPA referred to in a footnote, but not relevant to the case.
<i>Mooring v Virginia Wesleyan College</i> , 44 VaCir 41, (Circuit Court of Virginia, City of Norfolk)	Organisation and volunteer sued. Virginia has charitable immunity. Court mentioned VPA but the VPA came into force after the tort, so it was not relevant in this case. Volunteer was also ‘entitled to charitable immunity’, volunteer protected. EA Martin, Judge: ‘The Supreme Court has ruled that charitable immunity extends to the negligent acts of “volunteers” engaged in a charity’s work. <i>Moore v Allen</i> , 250 Va 421, 425, 463 SE2d 459, 461 (1995). The Court acknowledged that “a charity performs its work only through the actions of its servants and agents,” and the “[d]enying these servants and agents the charity’s immunity for their acts effectively would deny the charity immunity for its acts.” <i>Moore</i> , 250 Va. 423, 463 S.E.2d at 460. The Court did not define the term “volunteers.”’

<i>Young v Heins</i> , 2017 WL 2376828, (Court of Appeals of Texas, Houston)	Appeal against granting of summary judgment. Owner of house repeatedly fined by organisation (a home owners association). Association volunteers were sued for breach of fiduciary duty, breach of the duty of good faith and fair dealing, breach of contract, intentional infliction of emotional distress. Volunteers relied on, and protected by state immunity provision. VPA mentioned twice in the footnotes of the case, but not relied upon.
<i>Hook v Trevino</i> , 839 NW2d 434, (Supreme Court of Iowa)	<p>Former client brought legal malpractice action against attorney and law firm who had represented her in her personal injury action against the state and a volunteer driver for a state agency. The driver was protected by state immunity legislation. This case is not a VPA case; whilst the VPA was mentioned in the footnotes of the case, this case concerns professional negligence. However, this case evidences a previous case where a volunteer was sued and protected by state legislative immunity provisions, (the VPA is just footnoted as an aside).</p> <p>Waterman J, at 445: ‘The policy behind the volunteer-immunity statute—to encourage volunteering—does not warrant extending this immunity to the state. Immunizing the state for the actions of its volunteers would do little more than deny recovery to injured parties, undermining the compensatory goal of the ITCA. Yet, declining to immunize the state is unlikely to deter people from volunteering. Rather, extending volunteer immunity to the state would remove an incentive for the state to properly select, train, and supervise volunteers.’</p>
<i>Bember v American Medical Response of CT, Inc</i> , 2016 WL 7443997, (Superior Court of Connecticut)	Case concerns Good Samaritans, and state Good Samaritan legislation. Reference to VPA made (and one case that interprets the VPA) in helping to interpret the state Good Samaritan statute. VPA not deployed or used in this case.
<i>Marek v Phi Theta Kappa Honor Society</i> , 2015 WL 632145, (US District Court, SD Texas)	Employment discrimination, and defamation case. The question was whether the claimant was a volunteer or an employee. This is not a VPA case, but the VPA was mentioned, and was used in argument by the claimant to demonstrate that the claimant was an employee, not a volunteer.
<i>Giardi v Dunning</i> 563 FSupp2d 305 2008 WL 2633241, (US District Court, D Massachusetts)	RTA during Church youth group trip. Vehicle passenger injured in an accident sued the operator of the vehicle (a volunteer) and the Church of which the passenger and the operator were members of. Church relied on charitable damages cap in Massachusetts law, limiting claim to \$20,000. VPA mentioned in a footnote of the case as an aside, but

	not relevant to case. This is not a VPA case. Note also that this is a motor vehicle case and therefore outside the VPA.
<i>City of Santa Barbara v Superior Court</i> , 41 Cal4th 7471, 61 P3d 1095, 62 CalRptr3d 527, (Supreme Court of California)	This case has nothing to do with the VPA. VPA mentioned in the footnotes as an aside – court referred to literature on the VPA which refers to tort reducing volunteering, alongside other literature.
<i>Boeing Co v Continental Cas</i> , 157 CalApp4th 1258, 69 CalRptr3d 322 07 (Court of Appeal, Second District, Division 3, California)	This case concerns the construction of an insurance policy. A company successfully defended a lawsuit against it, brought by an injured volunteer. The company then brought an action against the liability insurer, seeking recovery of its defence costs. The VPA is mentioned, but it is not a VPA case.
<i>Rieger v Wat Buddhawararam of Denver, Inc</i> , 338 P3d 404, 2013 COA 156, (Colorado Court of Appeals, Div A)	<p>Volunteer tree trimmers at a religious establishment, one accidentally injured another. Injured claimant sued Temple for volunteer's tort via vicarious liability. The claim against volunteer was then dropped due to VPA defence. Whilst the VPA was mentioned briefly in this case it is not a VPA case. The organisation was protected by the Colorado Premises Liability Act, and there was no vicarious liability for the volunteer.</p> <p>The case shows that the VPA influences litigation decisions, and is shaping claims; the volunteer was sued but the claim against the volunteer was voluntarily dismissed by the claimant due to the VPA defence. The case demonstrates that the VPA can have impacts on litigation strategies. For all of the summary judgment cases in which a volunteer is successful, there will be other cases where claimants will not sue the volunteer, or will abandon claims against volunteers due to the defence. Not all cases will bear evidence of these decisions on the face of subsequent judgments. The case also demonstrates the importance of making vicarious liability statutory in volunteer protection legislation as vicarious liability was not found to be present in this case, and was precluded by a statutory construction of the Colorado Premises Liability Act.</p> <p>Loeb CJ, at [4]: 'A volunteer is one who does, or undertakes to do, something which he or she is not legally or morally obligated to do and the undertaking is not in pursuance or protection of his or her personal interests. <i>Heckman v Warren</i>, 124 Colo. 497, 506, 238 P.2d 854, 859 (1951).'</p>

<i>Singletary v Poynton</i> , 2006 WL 1681157 (Superior Court of Connecticut, Judicial District of New Haven)	The claims against the volunteers were withdrawn so the VPA was no longer an issue in the case. However, this case evidences that the VPA defence may lead to withdrawal of claims against volunteers in actions where there are multiple defendants.
<i>Sena v American Medical Response of Connecticut, Inc.</i> , 2017 WL 1239498, 63 ConnLRptr. 751, (Superior Court of Connecticut, Judicial District of Fairfield at Bridgeport)	This is a Good Samaritan, not a VPA case; however, it cites a case involving the VPA.
<i>Gelinas v Boisselle</i> , 2011 WL 5041497, (US District Court, D Massachusetts)	Court asked defendant why VPA defence was not pleaded. Defendants did not plead VPA as conduct alleged was violation of civil rights law, for which no VPA protection is provided.

<p>Table 3</p> <p>Table of False Positives (VPA not mentioned)</p>	
Case	Notes
<i>Ludlam v US Peace Corps</i> , 970 FSupp2d 19, (US District Court, District of Columbia)	Judicial review/Freedom of Information Act claim. No volunteer sued. Different act mentioned (Kate Puzey Peace Corps Volunteer Protection Act 2011). Act did not apply and was not used in case. This act is not about tort and protection of volunteers, rather sexual assault risk reduction.
<i>Ludlam v US Peace Corps</i> , 934 FSupp2d 174, (US District Court, District of Columbia)	Judicial review/Freedom of Information Act claim. No volunteer sued. Different act mentioned (Kate Puzey Peace Corps Volunteer Protection Act 2011). Act did not apply and was not used in case. This act is not about tort and protection of volunteers, rather sexual assault risk reduction.
<i>Campbell v Kessler</i> , 848 So2d 369, 2003 WL 21013105, (District Court of Appeal of Florida)	Appeal against Summary judgment application. Florida Volunteer Protection Act ('Florida VPA') used, not the (Federal) VPA. Florida VPA provides less protection than the VPA, (Florida VPA requires volunteer to act as ordinary reasonable person). Incident likely to have occurred prior to VPA coming into force. Note that this is a driving case, normally excluded by VPA, which may further explain use of the Florida VPA. Summary judgment not granted to the volunteer.

<i>Gillet v Watchtower Bible & Tract Soc of Pennsylvania, Inc</i> , 913 So2d 618 2005 WL 1107005, (District Court of Appeal of Florida, Third District)	This case concerns vicarious liability for volunteers. It cites the Florida VPA, but this is not a volunteer protection, or VPA case. VPA is not mentioned.
<i>Estate of Brennan v Church of Scientology Flag Service Organization, Inc</i> , 832 FSupp2d 137023 FlaLWeeklyFed D 131, (US District Court, MD Florida, Tampa Division)	This case deals with the Florida VPA, not the VPA.