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## **TORT CLAIMS ACT - MASSACHUSETTS**

### **Moore v. Town of Billerica**

**Appeals Court of Massachusetts - June 7, 2013 - N.E.2d - 83 Mass.App.Ct. 729**

Mother of child hit by baseball in town park brought action against town under Massachusetts Tort Claims Act (MCTA).

The appeals court held that:

- Town had governmental immunity, and
- Town had immunity under recreational use statute.

Town's failure to erect signs or barriers between park and baseball field to prevent injury to users of park was not "negligent maintenance," and thus town had tort immunity, under section of MCTA providing immunity for a governmental unit's failure to prevent or diminish the harmful consequences of a condition not originally caused by governmental unit.

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