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GOVERNMENTAL IMMUNITY - CONNECTICUT

Blonski v. Metropolitan Dist. Com'n

Supreme Court of Connecticut - July 16, 2013 - A.3d - 2013 WL 3368870

Supreme Court of Connecticut considered the scope of governmental immunity that is afforded to a political subdivision of the state that has been sued for allegedly negligent conduct that is alleged to be connected to the proprietary function of operating a water supply company.

After the plaintiff was injured when she rode her bicycle into a pipe gate on property maintained by the defendant, the Metropolitan District Commission, she brought an action claiming that the defendant had negligently maintained the gate in an unsafe and dangerous condition. The jury returned a verdict for the plaintiff and the trial court rendered judgment accordingly.

The questions that the court addressed on appeal were: (1) whether the defendant was immune from liability pursuant to General Statutes § 52–557n (a)(2)(B) because the maintenance of the gate to control the recreational use of the property was a governmental function requiring the exercise of discretion or, instead, the defendant was liable under § 52–557n (a)(1)(B) because its conduct was connected to its proprietary function of operating a water supply company; and (2) if the defendant was not entitled to immunity under § 52–557n (a)(2)(B), whether it is entitled to immunity pursuant to the Recreational Land Use Act (act), General Statutes (Rev. to 2001) § 52–557f et seq.

The Supreme Court of Connecticut concluded that the defendant was liable pursuant to § 52–557n (a)(1)(B) because the maintenance of the gate was inextricably linked to a proprietary function, and that it was not entitled to immunity pursuant to the act. Accordingly, it affirmed the judgment of the trial court.

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