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LIABILITY - COLORADO

[Young v. Brighton School District 27J](#)

Supreme Court of Colorado - May 19, 2014 - P.3d - 2014 CO 32

Student, who slipped and fell in puddle of water that had accumulated on concrete walkway at his elementary school, and his mother brought premises-liability action against school district. The District Court denied school district's motion to dismiss. School district filed interlocutory appeal. The Court of Appeals reversed and remanded with directions. Student and mother petitioned for certiorari review.

The Supreme Court of Colorado held that:

- Waiver provisions in Colorado Governmental Immunity Act (CGIA) are not mutually exclusive;
- Walkway was not, in and of itself, "public facility," for purposes of CGIA's recreation area waiver; and
- Walkway was not component of larger public facility that was the playground.

The CGIA's waiver provisions listed in section 24-10-106(1)(a)-(h) are not mutually exclusive. Rather, because the waivers represent alternative avenues for exposing a public entity to tort liability, more than one waiver may be triggered and analyzed by the trial court depending on the factual circumstances in a given case.

For purposes of recreation area waiver of governmental immunity in Colorado Governmental Immunity Act (CGIA), walkway that ran between elementary school's playground and school building was not, in and of itself, "public facility," as would support conclusion that waiver did not apply regarding claim arising from injuries that student allegedly sustained when he slipped and fell in puddle of water on walkway, although students used walkway as means of accessing playground. Walkway was designed for multiple purposes, and walkway was not designed to promote specific play activity.

For purposes of recreation area waiver of governmental immunity in Colorado Governmental Immunity Act (CGIA), walkway that ran between elementary school's playground and school building was not component of larger public facility that was the playground, and thus waiver did not apply regarding claim arising from injuries that student allegedly sustained when he slipped and fell in puddle of water on walkway. Walkway did not promote broader, overall purpose of children's play in same way that individual components of playground, such as swing set or sand box, did.