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LIABILITY - PENNSYLVANIA

Zauflik v. Pennsbury School Dist.

Supreme Court of Pennsylvania - November 19, 2014 - A.3d - 2014 WL 6474931

Student who lost her leg when school district bus ran over her filed action against school district under Political Subdivision Tort Claims Act (PSTCA). District admitted liability. After jury awarded over $14 million in damages to student, the Court of Common Pleas amended verdict to $500,000 to reflect statutory cap on damages and sanctioned district $5,000 for not timely disclosing an excess insurance policy. Student appealed.

The Supreme Court of Pennsylvania held that:

- Classification created by statutory damages cap of PSTCA, distinguishing between plaintiffs suing public tortfeasors and those suing private defendants, did not violate equal protection;
- Damages cap of PSTCA did not violate open courts provision of State Constitution; and
- Damages cap in PSTCA did not violate constitutional right to jury trial of student.

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