

Bond Case Briefs

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LIABILITY - NORTH DAKOTA

Frith v. Park Dist. of City of Fargo

Supreme Court of North Dakota - November 16, 2016 - N.W.2d - 2016 WL 6778246 - 2016 ND 213

In-line skater brought action against city's park district and Insurance Reserve Fund, seeking monetary damages for injuries she allegedly sustained while in-line skating on park pathway.

The District Court dismissed complaint, and skater appealed.

The Supreme Court of North Dakota held that:

- Three-year statute of limitations applied to skater's tort claims against district;
- Date when skater tripped on soft patching material used to fill a crack in the park pathway was when skater became aware of her injuries so as to trigger running of three-year statute of limitations; and
- District court did not have authority under civil procedure rule, governing extensions of time, to extend three-year statute of limitations.

Three-year statute of limitations applied to in-line skater's tort claims against city park district, alleging that she was injured when she tripped on soft patching material used to fill a crack in the park pathway. Although skater contended that six-year personal injury statute of limitations applied because a private contractor applied the patching material that was responsible for skater's injuries, skater sued the park district, which was political subdivision, and not the contractor.

Pursuant to discovery rule, date when in-line skater tripped on soft patching material used to fill a crack in the park pathway was when skater became aware of her injuries, so as to trigger running of three-year statute of limitations on skater's tort claims against city park district.

District court did not have authority under civil procedure rule, governing extensions of time, to extend three-year statute of limitations on in-line skater's tort claims against city park district; civil procedure rule did not apply to periods of time which were definitely fixed by statute.