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O'Brien v. City of Mentor

Court of Appeals of Minnesota - January 3, 2017 - Not Reported in N.W.2d - 2017 WL 24686

Teenager, who was playing in city park and was injured when he ran into two metal cables stretched taut between a set of tennis courts owned by city, brought personal injury action against city.

The District Court entered summary judgment for city, and teenager appealed.

The Court of Appeals held that trespasser exception to recreational-use immunity statute was not applicable.

Cable setup, whereby two metal cables were stretched taut between a set of tennis courts owned by city, constituted a condition likely to cause death or serious bodily harm for purposes of determining whether trespasser exception to recreational-use immunity statute was applicable in personal injury action brought against city by teenager, who was injured when he ran into cables. There was a serious potential for injuries involved with running into cables that were difficult to see, children and adults were known to run at high speeds around tennis courts, and thus, metal cables at head or body level were inherently dangerous, and light on the tennis courts was not working.

City did not have actual knowledge that cable setup was likely to cause death or serious bodily harm, and thus, trespasser exception to recreational-use immunity statute was not applicable, and as such, city was immune with respect to injuries that teenager sustained when he ran into two metal cables stretched taut between a set of tennis courts owned by city. Cables had been set up in the same manner for ten years without any complaints or reports of injury, and there was no indication that anyone knew that the cable setup was likely to cause death or serious bodily harm before teenager’s injury.

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