

Bond Case Briefs

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Kurowski v. Town of Chester

Supreme Court of New Hampshire - September 21, 2017 - A.3d - 2017 WL 4182905

Father, individually and as next friend of minor son, brought negligence and intentional tort claims against town after son was injured in accident at pond owned by town.

The Rockingham Superior Court dismissed action. Father appealed.

The Supreme Court of New Hampshire held that:

- Son's conduct in attempting to slap the feet of a person who was using a rope swing above the pond constituted an "outdoor recreational activity" to which recreational land use immunity statute could apply, and
- Even if town had previously acknowledged that rope swing was a hazard, town did not have actual or constructive knowledge that injury was a probable result of danger, as would support finding that town did not act willfully and thus that recreational land use immunity statute applied to bar action.