

Bond Case Briefs

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Cormier v. City of Lynn

Supreme Judicial Court of Massachusetts, Essex - February 27, 2018 - 91 N.E.3d 662

Parents of student who was permanently injured when he was pushed down stairs by another student brought action against school district and district employees.

The Superior Court Department dismissed all claims. Parents appealed. The Appeals Court affirmed. Parents sought further appellate review.

The Supreme Judicial Court of Massachusetts held that injuries to student originated from failure of school district and its employees to act, rather than from affirmative act.

Injuries to student who was pushed down stairs by another student originated from failure of school district and its employees to act, rather than from affirmative act, and thus they were exempt from liability under provision of Tort Claims Act eliminating government liability for a public employer's act or failure to act to prevent harm from the wrongful conduct of a third party unless the condition or situation was originally caused by the public employer; alleged policy of school's staff to have students line up in particular order outside school each morning without guidance or supervision was not an affirmative act that caused injuries.