

# **Bond Case Briefs**

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## **IMMUNITY - ALABAMA**

### **Ex parte Town of Dauphin Island**

**Supreme Court of Alabama - September 28, 2018 - So.3d - 2018 WL 4656621**

Mother brought action on behalf of minor daughter against town to recover for daughter's injuries suffered in a park on land leased by the town when daughter was on a swing suspended from a tree branch and the branch fell.

The Circuit Court denied town's motion for summary judgment based on the immunity provided by recreational-use statutes. Town petitioned for a writ of mandamus.

The Supreme Court of Alabama held that pursuant to recreational-use statutes, town was immune from liability absent evidence that town had actual knowledge that the swing presented an unreasonable risk of death or serious bodily harm.

Town was immune, pursuant to recreational-use statutes, from lawsuit by mother on behalf of her minor daughter to recover for daughter's injuries suffered in a park on land leased by the town when daughter was on a swing suspended from a tree branch and the branch fell, absent evidence that town had actual knowledge that the swing presented an unreasonable risk of death or serious bodily harm.