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Brewington v. City of Philadelphia

Supreme Court of Pennsylvania - December 28, 2018 - A.3d - 2018 WL 6815459

Parent, as guardian for her son, brought action against school district alleging negligence arising out of injuries to son when he hit his head on a concrete wall during a relay race in gym class.

The Court of Common Pleas granted school district's motion for summary judgment. Parent appealed. The Commonwealth Court reversed. District appealed.

The Supreme Court of Pennsylvania held that school was not entitled to governmental immunity, disapproving *Rieger v. Altoona Area School District*, 768 A.2d 912.

Under real property exception to governmental immunity, public school was not immune from negligence claim arising from injury that student suffered when he ran into unpadded wall during gym class; student's mother alleged that school negligently failed to apply padding, and concrete walls constituted real property.

Personalty alone may not serve as the basis to trigger the real property exception to governmental immunity; disapproving *Rieger v. Altoona Area School District*, 768 A.2d 912.

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