

# **Bond Case Briefs**

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## **IMMUNITY - WISCONSIN**

### **Pinter v. Village of Stetsonville**

**Supreme Court of Wisconsin - June 20, 2019 - N.W.2d - 2019 WL 2529056 - 2019 WI 74**

Property owner brought claims of negligence and private nuisance against village after wastewater backed up into his basement.

The Circuit Court granted summary judgment to village. Owner appealed. The Court of Appeals affirmed. Owner sought review.

The Supreme Court held that:

- Village was entitled to governmental immunity, and
- Owner's failure to present expert testimony was fatal to his nuisance claim.

Village's oral policy to pump water out of lift station when it reached certain level was discretionary, rather than ministerial, and thus village was immune from claims of negligence and private nuisance brought by property owner after wastewater backed up into his basement; village's "rule of thumb" to pump wastewater directly into ditch when it reached certain height in lift station had mixed interpretations, policy was shared orally but not written down, and decision to bypass lift station involved consideration of number of variables.

Property owner's failure to present expert testimony to demonstrate that village's failure to maintain wastewater disposal system caused backup in owner's basement was fatal to his nuisance claim against village; determination of whether water infiltrated system, how much water infiltrated system, whether amount was unreasonable, and whether infiltration contributed to backup was beyond ordinary experience and lay comprehension.