

# **Bond Case Briefs**

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## **MUNICIPAL LIABILITY - WASHINGTON**

### **Gorman v. Pierce County**

**Court of Appeals of Washington, Division 2 - August 13, 2013 - P.3d - 2013 WL 4103314**

Dog attack victim brought action against county alleging that county negligently failed to take appropriate action in response to complaints about dogs before the attack. The Superior Court entered judgment on a jury verdict finding county liable, but also finding that victim's actions contributed to her injuries.

On cross-appeals, the Court of Appeals held that:

- Failure to enforce exception to the public duty doctrine applied to county's failure to apply dangerous dog classification process to dogs following reports by neighbors;
- Evidence of reasons for prior complaints regarding dogs was admissible in dog attack victim's action; and
- Evidence was sufficient to support jury's finding of contributory negligence.

Under the failure to enforce exception to the public duty doctrine, a government's obligation to the general public becomes a legal duty owed to the plaintiff when: (1) government agents who are responsible for enforcing statutory requirements actually know of a statutory violation; (2) the government agents have a statutory duty to take corrective action but fail to do so; and (3) the plaintiff is within the class the statute intended to protect.

Failure to enforce exception to the public duty doctrine applied to county's failure to apply dangerous dog classification process to dogs following reports by neighbors. Under ordinance, although the county had discretion to classify or not classify any particular dog as potentially dangerous, it had a duty to at least apply the classification process to any apparently valid report of a dangerous dog.