

# **Bond Case Briefs**

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## **PUBLIC UTILITIES - UTAH**

### **Jenkins v. Jordan Valley Water Conservancy Dist.**

**Supreme Court of Utah - October 1, 2013 - P.3d - 2013 UT 59**

Plaintiffs case sued Jordan Valley Water Conservancy District (the District) after one of its water pipelines broke and damaged their home. Following discovery, the District moved for summary judgment, asserting, among other things, that the plaintiff homeowners could not prevail on their negligence claim because they had failed to designate an expert to testify regarding the applicable standard of care. The district court granted that motion, and the homeowners appealed. The court of appeals reversed, concluding that expert testimony was unnecessary because the District itself had previously determined that the pipeline should be replaced – a determination that in the court’s view sustained a standard of care calling for replacement.

The Supreme Court of Utah granted certiorari and reversed the decision of the court of appeals. The District’s internal decision recommending replacement of the pipe did not establish that such a move was required by a standard of care. And because the question whether a pipeline needs to be replaced is outside the knowledge and experience of average lay persons, the homeowners had an obligation to designate an expert to establish a basis for such a duty. Their failure to do so was fatal to their negligence claim, and the district court was right to dismiss it on summary judgment.