

# **Bond Case Briefs**

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## **IMMUNITY - WYOMING**

### **DiFelici v. City of Lander**

**Supreme Court of Wyoming - November 12, 2013 - P.3d - 2013 WY 141**

Pedestrian who was injured when she fell after stepping into a hole drilled in the gutter of a street brought action against city, alleging negligence and claiming entitlement to recovery under specific statute rendering cities and towns liable for injuries resulting from excavations or obstructions which make streets or sidewalks unsafe.

The Supreme Court of Wyoming held that:

- Hole was result of street maintenance that was excluded from waiver of immunity otherwise provided under Claims Act;
- Collection or diversion of storm water runoff on a city street did not constitute liquid waste collection or disposal as contemplated by waiver provisions; and
- Pedestrian was not entitled to recover under specific statute rendering cities and towns liable for injuries resulting from excavations or obstructions which make streets or sidewalks unsafe.

Collection or diversion of storm water runoff on a city street did not constitute liquid waste collection or disposal, thus depriving pedestrian of an exception to the immunity conferred on city by the Governmental Claims Act, in negligence action brought by pedestrian who was injured when she fell after stepping into a hole drilled in the gutter of a street for purposes of draining storm water. Claims Act was not designed to prevent cities from returning surface water to natural watercourses and aquifers, and the liability which would have resulted from claims that a surface water drainage system did not operate properly would have been overwhelming.