

Bond Case Briefs

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Oliver v. Tropiano Transp., Inc.

Commonwealth Court of Pennsylvania - November 8, 2013 - A.3d - 2013 WL 5962809

Parking garage customer filed complaint against parking authority, alleging that its negligence caused passenger to sustain foot fractures while exiting parking shuttle. The Court of Common Pleas found authority liable. Authority appealed.

The Commonwealth Court held that:

- Parking authority was local authority, rather than Commonwealth agency;
- Customer was barred from recovering damages for pain and suffering; and
- Customer's claim did not fall under real property exception to governmental immunity.

To maintain negligence claim under the real property exception to governmental immunity, plaintiff must prove that his or her injury resulted from a dangerous condition arising from local agency's care, custody, or control of real property.

Parking garage customer's negligence claim against parking authority, as local agency, did not fall under real property exception to governmental immunity, as the ramp itself was not defective, but rather purported negligence of shuttle operator in leaving customer on ramp was cause of customer's injuries.