

Bond Case Briefs

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LIABILITY - MASSACHUSETTS

Filepp v. Boston Gas Company, Inc.

Appeals Court of Massachusetts - February 27, 2014 - N.E.3d - Mass.App.Ct.

Bicyclist filed suit against gas company, seeking to recover damages for injuries he sustained when he fell from bicycle while riding on street, allegedly caused by two-inch wide “rut” in pavement that had been created by gas company. Company filed motion for summary judgment. The Superior Court granted motion. Bicyclist appealed.

The Appeals Court held that Bicyclist’s failure to send notice to gas company of his claim within 30 days of injuries precluded his suit against company to recover damages for injuries he sustained, as statutory entitlement to notice extended to both private and public entities.