

Bond Case Briefs

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LIABILITY - NORTH CAROLINA

Frankenmuth Ins. v. City of Hickory

Court of Appeals of North Carolina - July 15, 2014 - S.E.2d - 2014 WL 3409689

Insurer, as subrogee of insured country club, brought professional negligence action against city, alleging that city's failure to properly regulate water pressure caused water pipe leading to club's sprinkler system to burst, causing damage to clubhouse. The Superior Court granted city's motion for summary judgment. Insurer appealed.

The Court of Appeals held that:

- Insurer was required to produce expert testimony to establish a proper standard of care, and
- Insurer failed to establish a proper standard of care.

Country club's insurer was required to produce expert testimony to establish a proper standard of care in professional negligence action brought against city after a pipe leading to club's sprinkler system burst. Insurer claimed that city failed to ensure that water pressure did not exceed reasonable levels, failed to install a "loop" system in its water distribution system, and failed to install or recommend that the club install a pressure-relieving device, and such claims could not be properly evaluated with the common knowledge and experience of the jury.