

Bond Case Briefs

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Kain v. Gloucester City

Superior Court of New Jersey, Appellate Division - July 21, 2014 - A.3d - 2014 WL 3558687

Parent/chaperone of Boy Scout troop that participated in free education sail provided by nonprofit maritime educational organization at city-owned pier filed premises liability claims against city, nonprofit organization, and organization's volunteer for injuries sustained while helping scout board schooner. The Superior Court granted summary judgment to all defendants. Parent/chaperone appealed.

The Superior Court, Appellate Division, held that:

- Phrase "some other body" applied to the Coast Guard, as used in section of Tort Claims Act (TCA) providing immunity for injuries caused by plan or design of public property approved by entities including "some other body";
- Plan-or-design immunity that attached under Tort Claims Act (TCA) to original alleged defect approved by Coast Guard remained unaltered by change from class of users from military to civilian, or by the fact that pier came to be used for recreational purposes;
- Although a volunteer, parent/chaperone for Boy Scout troop was "beneficiary" of nonprofit organization, such that organization and its volunteer had charitable immunity; and
- Parent/chaperone failed to establish that actions of organization's volunteer were grossly negligent, so as to defeat volunteer's charitable immunity.