

# **Bond Case Briefs**

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## **IMMUNITY - CONNECTICUT**

### **Haynes v. City of Middletown**

**Supreme Court of Connecticut - November 4, 2014 - A.3d - 314 Conn. 303**

Student's mother, on her own behalf and as student's parent and next friend, brought action against city, seeking damages for injuries student had allegedly sustained when classmate at high school pushed him into broken locker. After jury returned verdict in favor of plaintiffs, the Superior Court granted city's motion to set aside verdict and rendered judgment in favor of city on governmental immunity grounds. Plaintiffs appealed.

The Supreme Court of Connecticut held that:

- Issue of whether broken locker with exposed jagged edge in high school boys' locker room created an imminent risk of harm, as required for student who was pushed into locker during horseplay to establish exception to city's special defense of governmental immunity, was for the jury, and
- The proper standard for determining whether a harm was imminent, as required to establish imminent harm exception to the general rule of governmental immunity, is whether it was apparent to the municipal defendant that the dangerous condition was so likely to cause harm that the defendant had a clear and unequivocal duty to act immediately to prevent the harm, overruling *Burns v. Board of Education*, 228 Conn. 640, 638 A.2d 1, and *Purzycki v. Fairfield*, 244 Conn. 101, 708 A.2d 937.