

Bond Case Briefs

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LIABILITY - RHODE ISLAND

Carlson v. Town of South Kingstown

Supreme Court of Rhode Island - April 8, 2015 - A.3d - 2015 WL 1573367

Baseball game spectator who stepped in hole at park and broke her leg brought negligence action against town. The Superior Court entered summary judgment in favor of town, and spectator appealed.

The Supreme Court of Rhode Island held that:

- The Recreational Use Statute applied to bar spectator's personal injury claims against town;
- There was no evidence that town was aware of the particular hole that spectator stepped in, or that spectator was facing that particular peril, for purposes of the exception to landowner immunity under the Recreational Use Statute for the willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity after discovering the user's peril; and
- Neither spectator's payment of a fee to baseball league on her son's behalf, nor her payment of taxes to town which used part of its budget to maintain park constituted an admission fee under the Recreational Use Statute, such that town's statutory immunity from liability for spectator's injuries did not apply.