

Bond Case Briefs

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LIABILITY - MONTANA

Kent v. City of Columbia Falls

Supreme Court of Montana - May 19, 2015 - P.3d - 2015 MT 139

Estate brought action against city for negligence in connection with individual's fall while skateboarding along a paved walking path and his subsequent fatal head injury. The District Court entered summary judgment in favor of city. Estate appealed.

The Supreme Court of Montana held that public duty doctrine did not apply where there were fact issues regarding whether city was actively involved in design and approval of path with dangerous grade.

Genuine issues of material fact existed whether city was actively involved in design of walking path, knew of its dangerous grade, and had statutory authority to compel modification to path but exercised its statutory and contractual authority to approve it, thus precluding summary judgment on the basis of the public duty doctrine on estate's claims against city for violation of its statutory duty and voluntary assumption of a duty to act with ordinary care to protect the public in using trail system, in connection with individual's fall while skateboarding along path and his subsequent fatal head injury.