

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - NEW HAMPSHIRE

Dolbeare v. City of Laconia

Supreme Court of New Hampshire - July 15, 2015 - A.3d - 2015 WL 4264718

Visitor to city-owned park who tripped and fell on a mat at playground brought negligence and nuisance action against city. The Superior Court denied city's motion to dismiss pursuant to the recreational use immunity statutes, but transferred questions for review. City brought interlocutory appeal.

The Supreme Court of New Hampshire held that:

- Visitor's use of playground equipment was "outdoor recreational activity," within meaning of statute eliminating a landowner's duty of care to keep premises safe for entry or use by others for outdoor recreational activity, and
- Visitor's use of playground equipment constituted the "use of land," within meaning of statute immunizing a landowner who without charge permits any person to use land for recreational purposes from liability for unintentional personal injury or property damage.