

# **Bond Case Briefs**

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## **IMMUNITY - WYOMING**

### **Fugle v. Sublette County School Dist. No. 9**

**Supreme Court of Wyoming - July 31, 2015 - P.3d - 2015 WL 45989542015 WY 98**

High school student brought action against school and teacher after student suffered injuries during a demonstration of centripetal force in gymnasium, in which students sat in a wheeled cart, pushed the cart, and held onto a 20-foot rope while teacher held onto the other end. The District Court granted school and teacher's motion for summary judgment based on immunity under Governmental Claims Act. Student appealed.

The Supreme Court of Wyoming held that:

- Act's exception to immunity based on the operation or maintenance of a "building" did not apply, and
- Act's exception to immunity based on operation or maintenance of a "recreation area" does not apply to all activities undertaken within the area.

High school student did not present any evidence of a physical defect in gymnasium in his personal injury action against school and teacher for injuries suffered during science demonstration of centripetal force in gymnasium, and therefore exception to governmental immunity in Governmental Claims Act for operation or maintenance of a building did not apply. Even though student alleged a potential defect in lack of padding in gymnasium for demonstration, student's assertions related to the design and supervision of the demonstration, and student's expert reports did not mention defects inherent in gymnasium.

Under the Governmental Claims Act exception to governmental immunity based on the operation or maintenance of a "recreation area," the legislature did not intend for the waiver of immunity from liability to apply to all activities undertaken within a particular recreation area. Rather, the legislature intended to limit the waiver of immunity to negligence associated with the function of the physical attributes or structure of the recreation area.