

Bond Case Briefs

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Murray v. Town of Hudson

Supreme Judicial Court of Massachusetts, Worcester - August 3, 2015 - N.E.3d - 2015 WL 4602258

Varsity high school relief pitcher who injured his knee while warming up in the visiting team bullpen brought action against town that maintained the park at which the baseball field was located for negligence. The Superior Court Department entered summary judgment in favor of town. Pitcher appealed.

The Supreme Judicial Court of Massachusetts held that:

- Recreational Use Statute did not shield town from liability, and
- Pitcher's presentment letter provided town with adequate notice of the circumstances of the player's negligence claim.

Recreational Use Statute did not shield town from liability for negligence resulting in injuries to visiting high school varsity relief pitcher, who was injured while warming up in the visiting team bullpen at baseball field in park maintained by town, where the town invited pitcher's team to play an interscholastic baseball game, and it owed the visiting team the same duty of care to provide a reasonably safe playing field that it owed its own students.

Baseball pitcher's presentment letter provided town, which maintained baseball field at which pitcher was injured while warming up in the visiting team's bullpen, with adequate notice of the circumstances of the player's negligence claim, without limitation to any specific theory of negligence, and town reasonably could have investigated those circumstances and determined whether it might have been liable on the claim under the Tort Claims Act, where letter claimed that bullpen was inherently dangerous and described what made it dangerous, including width of the pitching mound, use of wooden "timbers" to enclose the pitching mound, and the poor quality of lighting.