

Bond Case Briefs

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MUNICIPAL CORPORATIONS - CONNECTICUT

Brusby v. Metropolitan Dist.

Appellate Court of Connecticut - October 20, 2015 - A.3d - 160 Conn.App. 638 - 2015 WL 5949276

Landowner brought action against municipal corporation that provided her and other customers with potable water and sewerage services, alleging that its negligent acts caused her to suffer personal injuries and damages to her property as the result of raw sewage entering into and flooding her basement.

The Superior Court entered summary judgment in favor of corporation. Landowner appealed.

The Appellate Court held that:

- Material fact issue regarding whether provision of sanitary sewer services was a proprietary function precluded summary judgment;
- Corporation's allegedly negligent acts or omissions fell under discretionary act exception;
- Landowner was not an identifiable person subject to imminent harm;
- Continuing course of conduct doctrine was not applicable;
- Statute of limitations began to run on landowner's claim when second flooding event occurred; and
- Tort statute of limitations applied to contract claims.