

Bond Case Briefs

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TORT CLAIMS ACT - OREGON

Heng-Nguyen v. Tigard-Tualatin School Dist. 23J

Court of Appeals of Oregon - December 30, 2015 - P.3d - 2015 WL 9587506

Driver injured in automobile collision with public school employee brought action against school. The Circuit Court entered summary judgment in favor of school. Driver appealed.

The Court of Appeals held that telephone call between driver and school's liability insurance representative regarding driver's traffic accident with school employee provided actual notice of personal-injury claim under Oregon Tort Claims Act (OTCA).

Telephone call between driver and public school's liability insurance representative regarding driver's traffic accident with school employee provided actual notice of personal-injury claim under Oregon Tort Claims Act (OTCA), notwithstanding representative's understanding that driver sought recovery for property damages only. Driver sought reimbursement for damage to her car based on accident involving a school employee who was acting in the course of employment, insurance representative referred to driver as "claimant" in the closing report, and back of the check that representative sent to driver stated that, by negotiating the check, driver released school from all claims except a personal-injury claim.