

Bond Case Briefs

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Woody v. Pembina County Annual Fair Exhibition Ass'n

Supreme Court of North Dakota - March 15, 2016 - N.W.2d - 2016 WL 1031797 - 2016 ND 56

Spectator brought action against county fair association alleging negligence after she fell through a board in the grandstand while watching a fireworks display. The District Court granted summary judgment in favor of association. Spectator appealed.

The Supreme Court of North Dakota held that:

- Association was entitled to recreational use immunity, and
- Statute imposing supervision requirement did not impose duty on association to ensure premises were safe.

County fair association was engaged in recreational, rather than commercial, purposes in staging fireworks display, and therefore was entitled to recreational use immunity in negligence action brought by spectator who fell through grandstand while watching fireworks, where association did not charge any fee for entry to fairgrounds, to the grandstand area, or to observe the fireworks display.

Statute that imposed supervision requirement on county fair associations that granted applications for carnivals did not impose duty to ensure the premises were safe from all conditions, and therefore statute did not apply in negligence action brought by spectator who fell through grandstand while watching fireworks display at county fairgrounds.