

# **Bond Case Briefs**

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## **LIABILITY - IOWA**

### **Estate of McFarlin v. State**

**Supreme Court of Iowa - June 17, 2016 - N.W.2d - 2016 WL 3354391**

Mother brought wrongful death action against the State after her ten-year-old son died in a boating accident on a State-owned lake after the speedboat in which he was a passenger struck a dredge pipe, alleging that the State failed to adequately mark the pipe.

The District Court entered summary judgment in favor of the State. Mother appealed. The Court of Appeals affirmed. Mother sought further review, which was granted.

The Supreme Court of Iowa held that:

- There was no private right to sue under regulatory statutes protecting the use of public lands and waters for the benefit of the general public, and
- Any duty to enforce dredge operators' statutory obligations was owed to the general public, and thus claim was barred by the public duty doctrine.