

Bond Case Briefs

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Craig v. Provo City

Supreme Court of Utah - August 26, 2016 - P.3d - 2016 WL 4506309 - 2016 UT 40

Plaintiffs brought timely tort action against city pursuant to the Governmental Immunity Act, which was dismissed without prejudice after the limitations period had lapsed for plaintiffs' failure to submit statutorily-required bond.

Plaintiffs filed second action with the appropriate bond under statute allowing parties to commence a second action within one year of dismissal of original action for reasons other than on the merits.

The Fourth District Court held statute allowing parties to commence a second action did not apply to claims against governmental entities, and dismissed the second action. Plaintiffs appealed. The Court of Appeals reversed. City filed petition for certiorari, which was granted.

The Supreme Court of Utah held that claim filed outside time limits of Act is time-barred and cannot be resurrected by terms of Savings Statute.