

Bond Case Briefs

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St. Pierre v. Town of Plainfield

Supreme Court of Connecticut - August 8, 2017 - A.3d - 2017 WL 3318854

Rehabilitation patient brought personal injury, negligence action against town to recover for injuries he allegedly sustained in a fall at pool owned by town after participating in an aqua therapy session.

The Superior Court rendered judgment for town, and patient appealed.

The Supreme Court of Connecticut held that:

- Operation of municipal pool did not constitute a proprietary function so as to abrogate town's discretionary act immunity, and
- The identifiable person, imminent harm exception did not operate to abrogate town's municipal immunity.

Operation of municipal pool did not constitute a proprietary function so as to abrogate town's discretionary act immunity, in personal injury action brought by rehabilitation patient to recover for injuries he allegedly sustained in a fall at pool after participating in an aqua therapy session. Even though town charged a nominal fee for the use of the pool, the pool was actually operated at a loss, and by allowing use of the pool, town was promoting health and exercise, and town continued to provide a lifeguard during reserved times and retained responsibility for general maintenance of the pool.

The identifiable person, imminent harm exception did not operate to abrogate town's municipal immunity with regard to personal injury action brought by rehabilitation patient to recover for injuries he allegedly sustained in a fall at pool after participating in an aqua therapy session. Patient was not an identifiable person or a member of an identifiable class of persons for purposes of that exception, as he was not compelled to attend the aqua therapy sessions, but had voluntarily decided to use the services of the entity that had leased the pool.