

Bond Case Briefs

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DAMAGES - NORTH DAKOTA

Larimore Public School District No. 44 v. Aamodt

Supreme Court of North Dakota - March 19, 2018 - N.W.2d - 2018 WL 1371248 - 2018 ND 71

School district and governmental self-insurance pool brought interpleader action and deposited \$500,000 with the district court to satisfy statutory damage cap for personal injury and wrongful death claims arising from an accident involving a collision between a school district bus and a train.

Parents and guardians counterclaimed asserting that the damage cap was unconstitutional. The District Court confirmed deposit and discharged school district and self-insurance pool from further liability. Parents and guardians appealed.

The Supreme Court of North Dakota held that:

- Statutory damage cap does not violate the open court and remedy provision of the State Constitution;
- Statutory damage cap does not violate the right to a jury trial under the State Constitution;
- Statutory damage cap was not facially unconstitutional under the equal protection clause of the State Constitution;
- Statutory cap was not unconstitutional as applied under the equal protection clause of the State Constitution; and
- Statutory cap does not violate the provision of the State Constitution prohibiting local or special laws.