

Bond Case Briefs

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Johnson v. Humboldt County

Supreme Court of Iowa - June 8, 2018 - N.W.2d - 2018 WL 2746320

Vehicle passenger filed negligence suit against county and landowner, following injuries she sustained when vehicle went off a county road into a ditch and then struck concrete embankment constructed by landowner's predecessor in the ditch, alleging that county should have caused removal of the embankment.

The District Court granted summary judgment in favor of the county. Passenger appealed.

The Supreme Court of Iowa held that:

- Section of Restatement (Third) of Torts governing statutory violations as negligence per se does not vitiate public-duty doctrine where the statute protects the public generally;
- Section of Restatement (Third) of Torts allowing court to rely on statute requiring actor to act for protection of another when court decides whether affirmative duty exists and scope of duty does not vitiate public-duty doctrine;
- Public-duty doctrine may be raised regarding claims brought under the Municipal Tort Claims Act;
- Public-duty doctrine applied even when grave danger presented by matters of highway safety were involved;
- Public-duty doctrine applies to nuisance and premises-liability claims.