

Bond Case Briefs

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Colosimo v. Gateway Community Church

Supreme Court of Utah - June 26, 2018 - P.3d - 2018 WL 3132721 - 2018 UT 26

Parents brought wrongful death and survival action against church for negligence, after an improperly wired sign electrocuted their 16-year-old son while he trespassed on the roof.

The District Court granted summary judgment to church. Parents appealed. The Court of Appeals affirmed. Parents' petition for certiorari was granted.

The Supreme Court of Utah held that:

- Church did not owe duty of care to son based on dangerous activity or condition;
- Church did not owe duty of care to son based on attractive nuisance doctrine;
- Parents had burden of providing affirmative evidence to support claim; and
- City's sign ordinance did not create separate duty in tort to protect trespassers.

City ordinance regulating design, construction, and installation of signs did not create separate duty in tort to protect trespassers, and therefore church did not owe duty to trespassing teenaged son, which would have supported parents' negligence-based wrongful death action against church after son was electrocuted on roof by defectively wired sign; ordinance did not explicitly create tort duty, trespassers were not member of class city council intended to protect, as ordinance's purpose was to protect public safety of city residents generally, and ordinance contained no reference to trespassers or anything about roofs.