

# **Bond Case Briefs**

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## **IMMUNITY - WISCONSIN**

### **Engelhardt v. City of New Berlin**

**Supreme Court of Wisconsin - January 4, 2019 - N.W.2d - 2019 WL 101069 - 2019 WI 2**

Child's parents brought action against city and others to recover for drowning at aquatics center during summer camp field trip.

The Circuit Court denied city's summary judgment motion based on governmental immunity. City appealed. The Court of Appeals reversed. Parents' petition for review was granted.

The Supreme Court of Wisconsin holds that known danger exception to governmental immunity applied.

Danger that eight-year-old child who could not swim would drown at busy summer camp was immediate, compelling, and self-evident and gave rise to ministerial duty in playground coordinator and summer camp staff to give swimming test to child before allowing her near pool, and, thus, known danger exception to governmental immunity applied in suit against city whose parks and recreation department ran camp and operated aquatics center; drowning was a known danger, and coordinator knew child could not swim, but told no other staff member and did not test swimming ability.