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Ogier v. City of Bellevue

Court of Appeals of Washington, Division 1 - March 2, 2020 - P.3d - 2020 WL 995136

Driver who was injured in accident after driving over an uncovered manhole in the middle of traffic lanes on a dark evening brought personal injury action against city, alleging negligence.

The Superior Court granted city's summary judgment motion. Driver appealed.

The Court of Appeals held that whether city should have reasonably anticipated hazard of missing manhole cover was a material fact issue precluding summary judgment.

Genuine issue of material fact existed as to whether city should have reasonably anticipated that the hazard of a missing manhole cover would develop for manhole in the middle of traffic lanes precluding summary judgment in favor of city on issue of whether city breached its duty of care in personal injury action against city by driver who was injured in accident after driving over uncovered manhole.