

# **Bond Case Briefs**

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## **LIABILITY - UTAH**

### **Cochegrus v. Herriman City, Rosecrest Village Homeowners Association, Inc.**

**Supreme Court of Utah - March 26, 2020 - P.3d - 2020 WL 1482588 - 2020 UT 14**

Pedestrian brought negligence action against city, homeowners' association that was abutting property owner, and association's management company arising from her trip and fall on metal rod protruding out of hole in city's grassy park strip between sidewalk and street.

The Third District Court granted summary judgment for defendants. Pedestrian appealed.

The Supreme Court held that:

- Genuine issues of material fact existed as to whether defendants had constructive knowledge of rod, and
- Genuine issues of material fact existed as to whether association and company had a duty to pedestrian.

Genuine issues of material fact existed as to whether city, homeowners' association that was abutting property owner, and association's management company had constructive knowledge of metal rod protruding out of hole in city's grassy park strip between sidewalk and street, precluding summary judgment in pedestrian's negligence action arising from her trip and fall.

Genuine issues of material fact existed as to whether homeowners' association, which was abutting property owner, and its management company had a duty to pedestrian, precluding summary judgment in pedestrian's negligence action arising from her trip and fall on metal rod protruding out of hole in city's grassy park strip between sidewalk and street.