

Bond Case Briefs

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Noel v. City of Rigby

Supreme Court of Idaho, Pocatello, September 2019 Term - April 16, 2020 - P.3d - 2020 WL 1889103

Child and her parents brought action against city after child was injured while playing on playground equipment in city park.

After jury trial resulted in verdict in favor of city, the District Court granted new trial. City appealed.

The Supreme Court held that:

- Issue of whether city's construction or maintenance of playground equipment was willful and wanton, as would violate applicable duty under recreational use statute, was jury question;
- Trial court acted within its discretion in granting new trial;
- Trial court abused its discretion in excluding expert's opinion regarding whether city's construction or maintenance of city park's playground equipment rose to level of willful and wanton conduct;
- As a matter of apparent first impression, Medicaid write-offs are "collateral sources" from which double recovery is prohibited on a claim for damages;
- Jury could consider comparative negligence; and
- Trial court acted within its discretion in admitting evidence of park's seasonal closure at time of child's injury.