

# **Bond Case Briefs**

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## **IMMUNITY - NEBRASKA**

### **Lambert v. Lincoln Public Schools**

**Supreme Court of Nebraska - June 19, 2020 - N.W.2d - 306 Neb. 192 - 2020 WL 3395331**

Dog bite victims, who were an elementary school student and her mother, brought tort action against public school district under Political Subdivisions Tort Claims Act (PSTCA) alleging that school was negligent in failing to enforce a policy of “no dogs” on playground and in failing to supervise playground when dog bites occurred after school.

The District Court granted summary judgment to school district. Bite victims appealed.

The Supreme Court held that school district was immune from suit under discretionary function exception of PSTCA.

Public school district had immunity from suit under discretionary function exception of Political Subdivisions Tort Claims Act (PSTCA), with respect to tort claims of dog bite victims, who were a student and her mother, alleging negligence in elementary school’s failure to enforce a policy of “no dogs” on playground and in failing to supervise playground when dog bites occurred after regular school day had ended and students were dismissed for the day; school’s decision to enforce its “no dogs” policy only during school hours and its decision not to supervise playground area at all after school hours involved the exercise of judgment, and it was precisely the kind of judgment the discretionary function exception was designed to shield.