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Pollard v. City of Bridgeport

Appellate Court of Connecticut - April 27, 2021 - A.3d - 204 Conn.App. 187 - 2021 WL 1603610

Pedestrian who tripped and fell on city sidewalk sued city and owner of land abutting sidewalk, bringing negligence claims against both defendants and a nuisance claim against landowner. Abutting landowner moved for summary judgment.

The Superior Court granted motion. Pedestrian appealed.

The Appellate Court held that:

- Landowner did not owe any duty of care to pedestrian and was therefore not liable in negligence, and
- Pedestrian could not establish nuisance claim.

Owner of land abutting city sidewalk owed no duty of care to pedestrian who tripped and fell on sidewalk and, therefore, was not liable in negligence for pedestrian's injuries, even though growth of tree roots on owner's land caused sidewalk to be uneven; growth of tree roots was not an affirmative act, there was no evidence as to how the tree came to grow on owner's land, and there was no evidence that reasonable care would have revealed that the tree root was the cause of the uneven sidewalk.

Pedestrian who tripped and fell on uneven city sidewalk could not establish nuisance claim against owner of land abutting the sidewalk, even if growth of tree roots on owner's land caused the sidewalk to be uneven; allowing tree to grow was not an affirmative act and was not an unreasonable or unlawful use of the land, and regardless of whether landowner knew about the uneven sidewalk, it was not under landowner's ownership or control, but under city's, so that city had duty to maintain and repair it.

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