

Bond Case Briefs

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Barton v. City of Valdez

Supreme Court of Alaska - January 21, 2022 - P.3d - 2022 WL 189008

Resident brought negligence action against city, seeking to recover damages for injuries she sustained when a tire swing overhanging a cliff in an undeveloped area of a city park bumped into her while she was standing at the edge of a bluff, causing her to fall over the bluff and leaving her partially paralyzed and in a wheelchair.

The Superior Court entered summary judgment for city. Resident appealed.

The Supreme Court held that city was not protected by discretionary function immunity.

City's decision whether to remove tire swing overhanging a cliff in an undeveloped area of a city park, was not a planning type decision that entailed balancing policy considerations and thus city was not protected by discretionary function immunity in negligence action arising from incident in which the swing bumped into resident who was standing at edge of a bluff and caused her to fall over the bluff, leaving her partially paralyzed and in a wheelchair, where the swing was an unauthorized, human-made hazard that was known, easily accessible, and simple to remove, and the city identified no conceivable reasons for declining to remove it.