

Bond Case Briefs

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Battaglia v. Lombardi

Supreme Court of Rhode Island - May 5, 2022 - A.3d - 2022 WL 1416719

Pedestrian who was injured when he fell into manhole brought negligence action against city.

After jury verdict for pedestrian, the Superior Court granted city's motion for judgment as a matter of law. Pedestrian appealed, and city cross-appealed.

The Supreme Court held that:

- Trial justice plainly erred by making factual determinations to determine the applicability of the egregious conduct exception to public duty doctrine at the "judgment as matter of law" stage of trial, and
- Whether egregious conduct exception to the public duty doctrine applied was for jury.

Trial justice plainly erred by making factual determinations to determine the applicability of the egregious conduct exception to public duty doctrine at the "judgment as matter of law" stage of trial in negligence action brought against city by pedestrian who was injured when he fell into manhole; factual determinations were impermissibly drawn by the trial justice, who also failed to consider the evidence in the light most favorable to pedestrian as nonmovant and draw all reasonable inferences that supported his position.

Whether egregious conduct exception to the public duty doctrine applied was for jury in negligence action brought against city by pedestrian who was injured when he fell into manhole, given that there were factual disputes as to whether city created circumstances that would force a reasonably prudent person into position of extreme peril, whether city had actual or constructive notice of the perilous circumstances, and whether it failed to remedy that condition after a reasonable amount of time.