

Bond Case Briefs

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Brown v. State

Supreme Court of Nebraska - October 13, 2023 - N.W.2d - 315 Neb. 336 - 2023 WL 6780043

Visitor at state recreational area brought negligence action against State under State Tort Claims Act (STCA), alleging he was injured at the recreational area when a riding lawnmower struck picnic table at which he was sitting.

The District Court dismissed. Visitor appealed. The Supreme Court reversed and remanded. The District Court granted summary judgment for State. Visitor appealed.

The Supreme Court held that:

- A riding lawnmower is not a “motor vehicle” as exception to weather conditions exemption to waiver of sovereign immunity under STCA, and
- Weather conditions exemption to waiver of sovereign immunity applied.

A riding lawnmower is not a “motor vehicle” for purposes of the State Tort Claims Act (STCA) provision setting forth a motor vehicle exception to the weather conditions exemption to waiver of sovereign immunity.

Negligence claim of visitor at state recreational area arose out of wet grass in recreation area, and therefore State had immunity from suit under the weather conditions exemption to waiver of sovereign immunity in State Tort Claims Act (STCA), for action arising from a riding lawnmower’s collision with picnic table at which visitor was sitting, where mower slipped on wet grass from rain the prior day while being operated by a state employee, mower slid down slope, and mower then collided with picnic table that was at bottom of slope.