

Bond Case Briefs

Municipal Finance Law Since 1971

HIGHER ED - MONTANA

Cordero v. Montana State University

Supreme Court of Montana - August 6, 2024 - P.3d - 2024 WL 3665298 - 2024 MT 167

Student brought action against state university, alleging breach of express contract, breach of implied contract, a due process violation, unjust enrichment, a taking, and inverse condemnation based on measures which university took to limit services during COVID-19 pandemic.

The District Court granted university's motion to dismiss for failure to state a claim, and student appealed.

The Supreme Court held that:

- As a matter of first impression, application for admission to state university created an express contract;
- University did not breach contract created by admission application by limiting some services during COVID-19 pandemic;
- Fee descriptions in undergraduate catalog amounted to specific, written promises to provide those services, and thus created a contract;
- University did not breach its contractual duty to student regarding fees which student had paid for certain services which were limited during COVID-19 pandemic;
- Student lacked any claim for breach of implied contract due to express contract; and
- Student lacked any claim for unjust enrichment due to express contract.