

Bond Case Briefs

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NEGLIGENCE - MONTANA

Sara Da' v. City of Bozeman

Supreme Court of Montana - July 23, 2026 - P.3d - 2026 WL 2122619 - 2026 MT 164

Pedestrian, who was struck by vehicle at night while crossing in crosswalk at intersection with inoperative streetlight, brought negligence and premises liability claims against vehicle's driver, city, as owner and maintainer of the intersection, and utility company, as the owner and maintainer of the inoperative streetlight positioned above the intersection.

The District Court of the Eighteenth Judicial District denied city's motion for summary judgment, granted company's motion for summary judgment, and entered judgment on jury's verdict, awarding \$1.6 million in damages to pedestrian, distributing 35% of the comparative fault to pedestrian and 65% to driver, and pedestrian appealed.

The Supreme Court held that public duty doctrine (PDD) did not categorically bar evidence regarding causal effect of inoperative streetlight, which was owned by utility company, on accident.

City did not owe pedestrian, who was struck by vehicle at night while in crosswalk at intersection with inoperative streetlight near college campus, a special duty, for purposes of public duty doctrine (PDD), merely because intersection had been studied as part of broader public-safety or school-route planning effort for purposes of pedestrian's premises liability claim against city; pedestrian challenged condition of city property under generally applicable tort principles, relevant premises were city's intersection and crosswalk in high, mixed-traffic area adjacent to large college campus, and pedestrian's theory was that intersection was unsafe the night that she was struck by vehicle because it lacked adequate pavement markings, adequate warning signage, and adequate illumination due to inoperative streetlight.