

SUPREME COURT OF CONNECTICUT

Coe v. Board of Education of the Town of Watertown, 301 Conn. 112

19 A.3d 640 (2011) · No. No. 18433 · Decided June 7, 2011

SUMMARY

The Supreme Court of Connecticut affirmed the trial court's judgment striking negligence and indemnification claims arising from a student's injury at a school-sponsored dance. The court held that the town and board of education were protected by governmental immunity for discretionary acts, that General Statutes § 52-557n did not create a direct cause of action against individual municipal employees, and that the teachers were protected by qualified immunity. Because the common-law negligence claims against the teachers were barred, the statutory indemnification claim under § 7-465 also failed.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Rogers, C.J.; Norcott, J.; Palmer, J.; Zarella, J.; McLachlan, J.; Vertefeuille, J.
JURISDICTION	Connecticut
DECIDED	June 7, 2011
DOCKET	No. 18433
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a trial court judgment granting the defendants' motion to strike negligence and indemnification claims.
STANDARD OF REVIEW	The court reviewed the legal sufficiency of the complaint on a motion to strike, accepting all well-pleaded facts and facts necessarily implied by the allegations as admitted and construing the complaint in favor of the plaintiff.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential.
PARTIES	Sarah Coe, Mary Ellen Coe v. Board of Education of the Town of Watertown, Town of Watertown, Theresa Gregoire, Mary Jean Mangione

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QUESTIONS PRESENTED

1. Whether the town and board of education were immune under General Statutes § 52-557n (a)(2)(B) because sponsoring the off-site graduation dance was a discretionary governmental act.
2. Whether the identifiable-person subject-to-imminent-harm exception to governmental immunity applied to a student voluntarily attending the off-site dance and voluntarily removing her shoes.
3. Whether General Statutes § 52-557n created a direct cause of action against individual municipal employees.
4. Whether the plaintiffs could maintain a common-law negligence claim against the individual teachers when the claim was pleaded within the statutory framework of § 52-557n.
5. Whether the plaintiffs could obtain statutory indemnification under General Statutes § 7-465 when the teachers were immune from the underlying common-law negligence claims.

HOLDINGS

1. The town and board were immune from the plaintiffs' negligence claims because sponsoring a middle-school graduation party at an off-site facility was a discretionary governmental act, and the alleged conduct fell within General Statutes § 52-557n (a)(2)(B).
2. The identifiable-person subject-to-imminent-harm exception did not apply to Sarah Coe's claims.
3. General Statutes § 52-557n does not create a new or independent cause of action against individual municipal employees, but it also does not prevent plaintiffs from asserting common-law negligence claims against those employees.
4. The negligence claims against Gregoire and Mangione were properly stricken because the teachers were protected by qualified immunity for discretionary governmental acts.
5. The plaintiffs could not recover indemnification from the town or board under General Statutes § 7-465 because the underlying common-law negligence claims against the teachers were barred by qualified immunity.

KEY QUOTATIONS

"It is fundamental that in determining the sufficiency of a complaint challenged by a defendant's motion to strike, all well-pleaded facts and those facts necessarily implied from the allegations are taken as admitted." (at 643)

"The hallmark of a discretionary act is that it requires the exercise of judgment." (at 643)

"Section 52-557n (a)(1)(A) does not create a new kind of cause of action, but provides that political subdivisions of the state may be held liable for certain common-law negligence claims against them and their

employees.” (at 645)

FACTUAL BACKGROUND

The town, through its board of education, sponsored an eighth-grade graduation dance at a private catering facility. A glass goblet broke during the event, leaving glass on the floor, and Sarah Coe allegedly stepped on a shard after removing her footwear while walking toward the dance floor, severely injuring her foot. The plaintiffs alleged that teachers Theresa Gregoire and Mary Jean Mangione, who were chaperones, negligently supervised the students.

PROCEDURAL HISTORY

The plaintiffs sued the board of education, the town, and two teachers after Sarah Coe injured her foot on broken glass at a school-sponsored graduation dance. The trial court struck the negligence count on governmental-immunity and pleading grounds and struck the indemnification count because no common-law negligence claim had been pleaded against the teachers. The plaintiffs appealed to the Appellate Court, and the Supreme Court of Connecticut transferred the appeal to itself. The Supreme Court affirmed, although it relied on qualified immunity as an alternate ground for striking the claims against the teachers and the resulting indemnification claim.

DISPOSITION

affirmed

CASES CITED

- *Violano v. Fernandez*, 280 Conn. 310, 318, 907 A.2d 1188 (2006)
- *Dodd v. Middlesex Mutual Assurance Co.*, 242 Conn. 375, 378, 698 A.2d 589 (1997)
- *Doe v. Petersen*, 279 Conn. 607, 614, 616, 903 A.2d 191 (2006)
- *Durrant v. Board of Education*, 284 Conn. 91, 100, 107, 931 A.2d 859 (2007)
- *Fleming v. Bridgeport*, 284 Conn. 502, 533, 935 A.2d 126 (2007)
- *Burns v. Board of Education*, 228 Conn. 640, 644-648, 638 A.2d 1 (1994)
- *Bonington v. Westport*, 297 Conn. 297, 306-307 n.8, 999 A.2d 700 (2010)
- *Caman v. Stamford*, 746 F. Supp. 248, 249 (D. Conn. 1990)
- *Myers v. Hartford*, 84 Conn. App. 395, 401, 853 A.2d 621 (2004), cert. denied, 271 Conn. 927, 859 A.2d 582 (2004)
- *Westport Taxi Service, Inc. v. Westport Transit District*, 235 Conn. 1, 24, 664 A.2d 719 (1995)
- *Doe v. Board of Education*, 76 Conn. App. 296, 299 n.6, 819 A.2d 289 (2003)
- *Cook v. Stender*, Superior Court, judicial district of Middlesex, Docket No. CV04-0104110, 2004 WL 3130557 (Dec. 22, 2004)
- *Nordling v. Harris*, Superior Court, judicial district of Fairfield, Docket No. 329660, 1996 WL 469722 (Aug. 7, 1996)

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