

Appeals Court Upholds School's Sovereign Immunity in Negligence Suit

Alexandra Stahr v. Lincoln-Sudbury Regional High School District, 93 Mass. App. Ct. 243 (2018)

The Massachusetts Appeals Court upheld the Middlesex Superior Court's decision to dismiss the plaintiffs' lawsuit against Lincoln-Sudbury Regional High School (LSHS). PDP represented LSHS in the Motion to Dismiss and on appeal.

The negligence suit was brought by a former student and several of her family members after the student was injured during a school field hockey practice. Plaintiffs claimed that during a practice in 2012, Alexandra Stahr was struck in the face by a field hockey stick wielded by a fellow teammate. As a result of the impact, plaintiffs claimed that Alexandra suffered broken teeth and a concussion. Alexandra, along with her parents and two brothers, filed a fifteen count complaint against LSHS, alleging that the School Department was negligent in its failure to prevent Alexandra's injuries, as well as its failure to properly address her concussion and need for a graduated post-injury re-entry to school.

PDP responded with a Motion to Dismiss, arguing that all of plaintiffs' claims were barred by the immunity provided under the Mass. Tort Claims Act, M.G.L. c. 258, § 10(j), which shields a public employer from claims based on its alleged failure to protect a plaintiff against the harmful consequences of a condition or situation, "including the violent or tortious conduct of a third person" Specifically, Alexandra's injuries were caused by the stick-play of a fellow teammate - not an affirmative act taken by LSHS. Instead, plaintiffs' claims against LSHS related only to the School's alleged failure to "prevent or diminish" the harm. The Superior Court agreed and the Appeals Court upheld the decision, holding that Section 10(j) barred plaintiffs' claims and dismissed plaintiffs' lawsuit in its entirety.