

## **Injury Suit Against School Dismissed: Lawson v. N. Berkshire Voc. Regional Sch. Dist.**

### ***Lawson v. North Berkshire Vocational Regional School District, Pittsfield Sup. Ct.***

PDP successfully argued a Motion to Dismiss based upon inadequate presentment under M.G.L. c. 258. The litigation stemmed from an injury which occurred during school hours at a regional vocational technical high school in western Massachusetts. The Plaintiff, who was a junior in high school, fell from a step ladder during a shop class project and sustained significant facial injuries, including the loss of several adult teeth.

Counsel for the plaintiff brought suit against the school district alleging that school staff failed to adequately supervise the minor plaintiff. Prior to bringing suit, plaintiff's counsel submitted several M.G.L. c. 258 presentment letters to the school district. The first letter was simply addressed "To whom it may concern" and the subsequent letters were addressed to the principal and superintendent. PDP prepared a Motion to Dismiss on the grounds that the letters did not constitute adequate presentment, as the presentment letters were not directed to an appropriate "executive officer" of the school district, per the requirements of the statute. In the case of a regional school district, presentment must be made to the regional school committee. See M.G.L. c. 258, § 1.

Plaintiff's Opposition to the Motion to Dismiss focused on the fact that the school district had constructive notice of the claim through the letters sent to the principal and superintendent and also to the school district's insurer. The Court issued a brief written decision after oral arguments on the Motion to Dismiss. In its decision, the Court granted dismissal for the Defendant, noting that the plaintiff's deficient presentment letters were fatal to his claim. Going forward, this decision should prove helpful in defending future claims in which suit is brought against a regional school district and the question of adequate presentment is at issue.

### **QUESTIONS?**

Jason W. Crotty

[jcrotty@piercedavis.com](mailto:jcrotty@piercedavis.com)

617.350.0950