

## Recreational Use Statute Clears Town in Trip and Fall: *Quinn v. Town of Hingham*

### ***Quinn v. Town of Hingham, Plymouth Sup. Ct.***

PDP successfully argued a Motion for Summary Judgment based upon the protections of M.G.L. Chapter 21, Section 17C, the so called “Recreational Use Statute.” The litigation stemmed from a trip and fall accident in the parking lot of a public middle school in Hingham, MA. At the time of the accident, the Plaintiff was on school grounds, after hours, to attend her granddaughter’s school concert.

In plaintiff’s Complaint, she alleged that the Town “negligently failed to keep the area where the plaintiff tripped and fell in a reasonably safe condition,” and “failed to warn Plaintiff of the dangerous condition.” The Plaintiff neither presented nor pled a recklessness cause of action.

In our Motion for Summary Judgment, PDP argued that the recreational use statute was applicable because the Town made the school available to the public, free of charge, for a purpose enumerated by the statute. In prior cases, the Court held that the Recreational Use Statute barred recovery by parents who tripped and fell on school property going to and from their respective child’s sporting events. Specifically, a mother who slipped and fell in a school parking lot while leaving her daughter’s basketball game, *Seich v. Town of Canton*, 426 Mass. 84, 86 (1997), and a mother who tripped and fell in a parking lot after leaving her son’s football game, *Hoffman v. Town of Burlington*, 2008 WL 2688762, \*3 (Mass. Super. Ct.). Accordingly, we argued that Chapter 21 should also bar recovery by this Plaintiff, whose conduct was analogous, as she fell on her way out of a school concert.

The Superior Court granted the Motion for Summary Judgment, noting that all of the allegations in the Complaint fell squarely within the protections of Chapter 21. Going forward, this decision should prove helpful in defending future claims in which suit is brought against a municipality under similar circumstances.

### **QUESTIONS?**

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