

## **SUMMARY STATEMENT**

*Noel v. City of Rigby*

Docket No. 45425

The Idaho Supreme Court affirmed in part and reversed in part several decisions by the Jefferson County district court. This case arose out of serious injuries suffered by Shaeley Noel (Shaeley), a nine-year-old girl, on playground equipment owned by the City of Rigby (City). Shaeley and her parents (collectively the Noels) filed suit in district court alleging willful and wanton conduct by the City in the construction and/or maintenance of its playground equipment. The City claims that the park in which the equipment was located was closed for winter at the time Shaeley was injured. A jury rendered a verdict in favor of the City when it found that the City did not owe a duty to Shaeley. The Noels filed a motion for a new trial, which the district court granted.

The City appealed the district court's decision to grant a new trial, as well as the district court's decisions to deny the City's motion for a directed verdict and the City's motion to exclude the Noels' expert witness. The Noels cross-appealed, alleging several errors by the district court. These purported errors included: (1) rejection of evidence of Shaeley's unadjusted medical bills; (2) prevention of the Noels' expert witness from testifying regarding the City's purported willful and wanton conduct; (3) allowance of a jury instruction regarding comparative negligence; and (4) admission of evidence regarding the seasonal closure of the park.

The Idaho Supreme Court affirmed the rulings by the district court in which it: (1) denied the City's motion for a directed verdict; (2) granted the Noels' motion for a new trial; (3) allowed the Noels' expert to testify as an expert witness; (4) instructed the jury that willful and wanton conduct could be compared with ordinary negligence; and (5) admitted evidence of the park's closure. Additionally, the Supreme Court reversed the rulings by the district court in which it: (1) prevented the Noels from introducing Shaeley's unadjusted medical bills; and (2) precluded the Noels' expert from testifying that the City engaged in willful and wanton conduct. The case was remanded for a new trial.