



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**DIANNAH DINSMOOR v. CITY OF PHOENIX et al.
CV-20-0214-PR**

PARTIES:

Plaintiff/Appellant/Respondent: Diannah Dinsmoor

Defendants/Appellees/Petitioners: City of Phoenix, a municipal corporation; Deer Valley Unified School District No. 97 of Maricopa County, a political subdivision of the State of Arizona; Lynn Miller and Jane Doe Miller, husband and wife; Kimberly Heinz and John Doe Heinz, husband and wife; Kenneth Palmer and Jane Doe Palmer, husband and wife

Amicus Curiae: Arizona Charter Schools Association, Arizona School Boards Association, and Arizona School Risk Retention Trust in Support of Defendants/Appellees

FACTS:

In 2014, high-school student Matthew B. shot and killed his classmate, sophomore Ana G., then killed himself. The shooting occurred after school at a friend's house.

Ana's mother, Diannah Dinsmoor, brought claims for wrongful death, negligence, and gross negligence against Deer Valley Unified School District, the school's principal, and the school's assistant principal (collectively, the "District"), as well as Phoenix Police Officer Palmer and the City of Phoenix (collectively, the "Phoenix Defendants"). The superior court granted summary judgment in favor of the defendants, reasoning none of them owed Ana or Dinsmoor a cognizable legal duty under the circumstances. Dinsmoor timely appealed.

The Court of Appeals agreed with the superior court that Dinsmoor failed to establish that the City had a duty to protect Ana. The Court of Appeals disagreed, however, with the superior court's assessment of the District's duty and determined that, as a matter of law, the District had a duty to protect Ana based on the school-student relationship. Therefore, the Court of Appeals concluded the issues of fact preclude summary judgment on other grounds. The Court of Appeals further concluded that, on the record, a fact issue precluded summary judgment on whether Officer Palmer was acting as an agent of the District or solely in his capacity as a law enforcement officer for the City. The Court of Appeals affirmed the judgment in favor of the City, reversed the judgment for the District and Officer Palmer, and remanded for further proceedings.

The District's petition for review was granted by the Arizona Supreme Court.

ISSUES:

“In holding the District owed a duty of care to Ana, did the Opinion err, as a matter of law, by relying upon principles of foreseeability instead of analyzing the well-understood limits of student-teacher relationship between the District and Ana, in violation of *Quiroz* and *Gipson*?”

“In finding that a scintilla of evidence created the possibility of fact questions concerning breach, causation, and agency, did the Opinion violate the summary judgment standards established by this Court in *Orme School* and err in not affirming the trial court for this reason?”

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