



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



PUSD 210 v. Hon. Sinclair/Lucero, CV-24-0307-PR

PARTIES:

Petitioner: Phoenix Union High School District No. 210
Respondent/Real-Party-in-Interest: Petitioner, a minor child through his natural father, Christopher J. Lucero
Amicus: Arizona Association for Justice/Arizona Trial Lawyers Association

FACTS:

In 2014, the Petitioner was a 14-year-old freshman at Betty Fairfax High School. The school was located on the southeast corner of 59th and South Mountain Avenues, below Baseline Road. Across 59th Avenue to the west was an open dirt lot.

Since the school's opening in 2007, car traffic during drop-off and pick-up have led to cars waiting to turn left onto South Mountain Avenue and backing up in a long line on 59th Avenue. Some cars, rather than wait in line, would pull onto the dirt lot and drop off students. Those students would usually then jaywalk across 59th Avenue.

On August 3, 2014, Petitioner walked from home to school for the first time. Though Petitioner lived on the east side of 59th Avenue, on that day he walked south along the dirt lot to the west of 59th Avenue. Petitioner then jaywalked across 59th Avenue to get to school. While he was in the road jaywalking, a northbound car hit him. Petitioner was sent over seventy feet from where he was hit and he suffered significant injuries.

Petitioner and his father sued the City of Phoenix, the School District, and the driver of the vehicle, alleging negligence and other claims. The School District moved for summary judgment, arguing that it did not owe a duty of care to Petitioner while he was jaywalking. Among other authorities, the motion for summary judgment relied on *Dinsmoor v. City of Phoenix*, *Monroe v. Basis School, Inc.*, and *Collette v. Tolleson Unified School District No. 214*. The trial court denied the motion for summary judgment.

The School District then filed a petition for special action in the court of appeals. That petition argued that the trial court had erred in ruling that the School District might have a duty of care to Petitioner while he was jaywalking. Two judges in the court of appeals declined to accept jurisdiction of the petition for special action. The third judge wrote a brief dissent stating that the court of appeals should have accepted the petition for special action and then ordered the trial court to grant the School District's motion for summary judgment on the duty of care issue.

LEGAL ISSUE:

Whether the trial court erred in holding that the District owed Plaintiff a duty of care while he was illegally jaywalking across a city street on his way to school.