

## **Property Damage (Flooding), Failure to Maintain Dam, Target Defendant, Summary Judgment**

Defended a municipality in the eastern portion of the state regarding the failure of a dam resulting in the flooding of a neighborhood downstream. Allegations involved the failure of the dam due to poor maintenance. The municipality did not enjoy governmental immunity due to the existence of liability insurance. Damages involved the complete destruction of one home and substantial damage to four others. The defense obtained summary of judgment on the grounds that the dam failed due to an act of God because of a higher than average rainfall over the two previous days.