

MICHAEL WILDES et al.

v.

CUMBERLAND COUNTY et al.

Argued February 17, 2005

Decided February 24, 2005

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Cumberland County appeals from the Superior Court's (Cumberland County, *Warren, J.*) partial denial of its summary judgment motion finding that the County was not entitled to immunity for a negligence claim arising from personal injuries suffered by Michael Wildes and Jeremiah Young while they were inmates at the Cumberland County Jail. Contrary to the County's contentions, the court did not err in concluding that, pursuant to the Maine Tort Claims Act, the bunk bed affixed to the cell wall was an appurtenance to the jail. *See* 14 M.R.S.A. § 8104-A(2) (2003); *Roberts v. State*, 1999 ME 89, ¶ 11, 731 A.2d 855, 858. Furthermore, the court did not err in determining that there are disputed issues of

material fact as to whether the County negligently failed to maintain the bunk beds in a safe condition.

The entry is:

Judgment affirmed.

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