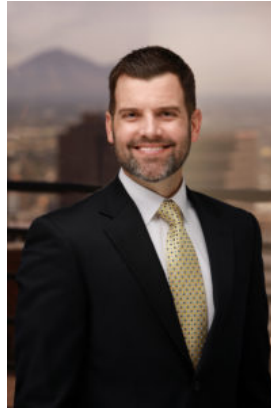


JONES, SKELTON & HOCHULI ATTORNEYS OBTAINED DISMISSAL FOR SCHOOL DISTRICT IN BUS-VEHICLE ACCIDENT

March 25, 2015 | Case Summaries, News



Austin v. Peoria Unified School District – Jones,

Skelton & Hochuli attorneys [Michael Hensley](#), [Erik Stone](#) and [Jonathan Barnes](#), secured a Court of Appeals victory for Peoria Unified School District (“PUSD”). Specifically, the Arizona Court of Appeals upheld the Trial Court’s dismissal of the case based on a failure to comply with the Arizona Notice of Claim Statute in [Austin, et al. v. the Peoria Unified School District](#).

This case arose out of an accident between a PUSD school bus and two other vehicles in April of 2012. The driver and passenger in one of the vehicles alleged severe injuries as a result of the accident, which, as they claimed, was caused by the negligence of the school bus driver. Before a lawsuit can be filed against a public entity in Arizona, such as a school district, a notice of claim (“NOC”) must be filed with the Chief Executive Officer of the entity. In cases where the CEO is a board, such as a county’s board of supervisors or a school district’s governing board, the NOC must be filed with the entire governing board. In October of 2012, the Claimants’ attorney mailed notices of claim (one for each claimant) to the PUSD Administration Center, one PUSD Board Member, and PUSD’s attorney, Michael Hensley.

The claims were denied and a lawsuit was subsequently filed in April of 2013. PUSD’s attorneys at Jones, Skelton & Hochuli moved to dismiss the case arguing the Notice of Claim Statute had been violated, such that a lawsuit could not be initiated, because the Notice of Claim was not filed with all members of the PUSD Governing Board. The Trial Court agreed. Plaintiffs appealed, but the Arizona Court of Appeals affirmed the Trial Court’s decision in favor of the Defendant, holding that the NOC must be filed with all members of the PUSD Governing Board. The case was dismissed and PUSD was awarded its costs.

[Mike Hensley](#) has focuses his practice on general civil litigation and all types of insurance defense litigation, including life, health, disability, and ERISA claims litigation, bad faith defense, professional liability defense, employment law, employee benefits law, and government and public entities.

[Erik Stone](#) is included in the Complex Litigation Group. He is experienced handling a variety of general civil litigation matters, including commercial litigation, intellectual property, professional liability, wrongful death and personal injury claims, employment and discrimination, HOA matters, and construction defect.

[Jonathan Barnes](#) concentrates his practice on federal and state appeals in all types of civil litigation, including medical malpractice, governmental liability, employment, family law and torts.