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Cohen stated the case is seeking to prove that the guards who have been accused of negligence failed in their obligation to protect the child rather than determining whether Rosenblatt acted in a way that constituted negligence. Rosenblatt filed the motion to dismiss, asserting that Cohen failed to state a claim against Rosenblatt upon which relief may be granted. Cohen responded that Rosenblatt was not entitled to immunity under the public duty doctrine which shields people from liability for negligence if the only relationship between them and the plaintiff is the performance of a governmental duty to protect the public against some type of harm. The case involves a claim that two employees of a private child care facility operated by Church & State Services, Inc. in Owosso, Michigan, failed to protect the young girl from sexual abuse from her babysitter, who is now a convicted serial killer. Sued for two years for negligence, the case made it to the Michigan Supreme Court, which ruled in favor of Rosenblatt, holding that he was immune from liability even though he was not a public official.

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