
IMMUNITY - NORTH CAROLINA

Hinson v. City of Greensboro

Court of Appeals of North Carolina - February 4, 2014 - S.E.2d - 2014 WL 424216

African-American police officer brought action against city, chief of police, and deputy chief of police alleging that defendants had subjected him to discrimination on the basis of race, conspired to discriminate on the basis of race, and conspired to injure him in his reputation and profession. The Superior Court denied defendants' motion to dismiss except as to claim for punitive damages against city. Defendants appealed.

The Court of Appeals held that city did not waive its governmental immunity through its purchase of a $5 million excess liability policy.

City did not waive its governmental immunity, which immunity was shared with chief of police and deputy chief of police, as to police officer's State claims of discrimination on the basis of race, conspiracy to discriminate on the basis of race, and conspiracy to injure officer in his reputation and profession through its purchase of a $5 million excess liability policy. Under the terms of the policy, the city was responsible for paying $3,000,000 before there was any potential coverage under the policy, and the language of the insurance policy stated that the policy was not intended by the city to waive its governmental immunity.

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