

Bond Case Briefs

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TORTS - KANSAS

Whaley v. Sharp

Supreme Court of Kansas - December 24, 2014 - P.3d - 2014 WL 7331586

Coexecutor of municipal hospital patient's estate filed suit against physician for wrongful death and survival, based on claim that physician misdiagnosed patient's condition and negligently treated her. The District Court entered summary judgment for physician based on coexecutor's noncompliance with written 120-day notice of claim requirement under Kansas Tort Claims Act. Coexecutor appealed. The Court of Appeals affirmed. Coexecutor petitioned for review.

The Supreme Court of Kansas held that written 120-day notice of claim, as prerequisite to suit against municipality, did not apply to suit against municipal employees; overruling *King v. Pimentel*, 20 Kan.App.2d 579, 890 P.2d 1217.