

Bond Case Briefs

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INTERAGENCY AGREEMENTS - LOUISIANA

Tatney v. City of Deridder

Court of Appeal of Louisiana, Third Circuit - November 16, 2016 - So.3d - 2016 WL 6777557 - 2016-395 (La.App. 3 Cir. 11/16/16)

Passenger of vehicle, which was owned by city and operated by state employee pursuant to interagency agreement between city and state for use of inmate labor, brought personal injury action against city, sheriff of parish correctional facility, employee, and state following traffic accident.

The 13th Judicial District Court granted city's motion for summary judgment. State appealed.

The Court of Appeal held that:

- State did not acquiesce to trial court's judgment;
- City was not liable for allegedly negligent conduct of state employee; and
- City was entitled to attorney fees for state's frivolous appeal.

In personal injury action arising from traffic accident involving vehicle used to transport inmate labor pursuant to interagency agreement between city and state, state did not acquiesce to trial court's judgment such that it abandoned its right to appeal trial court's grant of city's motion for summary judgment. Although state did not file an opposition to the motion and waived its right to appear, it did not clearly and unconditionally demonstrate that it acquiesced to the judgment.

City was not liable for personal injuries sustained by inmate as a result of traffic accident allegedly caused by negligent conduct of state employee who was transporting inmate using van owned by city. Under plain terms of interagency agreement between city and state for the use of inmate labor, the state, not the city, was responsible for state employees' alleged acts of negligence.

City was entitled to \$3,500 in attorney fees for state's frivolous appeal of trial court's grant of summary judgment in favor of city in personal injury action arising from traffic accident involving vehicle used to transport inmate labor pursuant to interagency agreement city and state. State failed to provide any countervailing evidence or argument to rebut affidavit indicating that vehicle's driver was not a city employee at the time of the accident, state did not articulate any argument at trial level, and state's arguments on appeal were intellectually tenuous, as evidenced by its reference to post-hearing evidence and proceedings that had no place in an appellate court.