

Bond Case Briefs

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LIABILITY - MISSISSIPPI

Hathorn v. Louisville Utilities Commission

Supreme Court of Mississippi - September 28, 2017 - So.3d - 2017 WL 4314629

Pedestrian brought personal injury action against automobile parts store, city, and city utilities commission alleging that her foot unexpectedly sank into hole few inches deep in sidewalk in front of store, causing her to twist her ankle and fall due to uncovered utility box set within sidewalk.

The Circuit Court granted summary judgment for commission following pedestrian's settlement with store and city. Pedestrian appealed.

The Supreme Court of Mississippi held that pedestrian released all claims against commission when she executed release following settlement with city.

Pedestrian released all claims against city utilities commission when she executed her release following settlement with city with respect to her personal injury action against city and commission alleging that her foot unexpectedly sank into hole few inches deep in sidewalk, causing her to twist her ankle and fall due to uncovered utility box set within sidewalk; release discharged claims against city and its subsidiaries, commission was subsidiary of city, pedestrian knew when she filed her complaint that commission was municipal commission, as she referred to that fact in her complaint, and notice pedestrian sent to city and commission before filing complaint claimed that they were liable for negligence by not making sure utility box set within sidewalk was installed properly and maintained in safe condition.