

Bond Case Briefs

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IMMUNITY - KENTUCKY

University of Louisville v. Rothstein

Supreme Court of Kentucky - November 2, 2017 - S.W.3d - 2017 WL 5034507

Professor of medicine brought action against state university, alleging that university breached contract granting professor tenure and appointing him as distinguished university scholar.

The Circuit Court denied university's motion for summary judgment based on immunity. University appealed. The Court of Appeals affirmed. University moved for discretionary review, which the Supreme Court granted.

The Supreme Court of Kentucky held that statute, codified within the Kentucky Model Procurement Code (KMPC), that waived governmental immunity for actions on contract waived immunity as to all claims arising from lawfully authorized written contracts with the Commonwealth.

Plain language of statute waived immunity for all contract claims, Supreme Court interpreted statute's legislative predecessor as waiver of defense of governmental immunity to all claims based upon lawfully authorized contracts with the Commonwealth, including employment contracts, and legislature chose not to act in contravention to that interpretation when enacting the statute.