

Bond Case Briefs

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Hedglin v. Esch

Court of Appeals of Nebraska - November 21, 2017 - N.W.2d - 25 Neb.App. 306 - 2017 WL 5641190

Plaintiff filed action against city and police officer alleging defamation.

The District Court granted city's and officer's motion to dismiss, and plaintiff appealed.

The Court of Appeals held that:

- PSTCA applied to plaintiff's claim, and
- Plaintiff prematurely withdrew her claim.

Political Subdivisions Tort Claims Act (PSTCA) applied to defamation claim brought by plaintiff against city and city police officer. Plaintiff's complaint sought money damages from a political subdivision for personal injury caused by the wrongful actions officer allegedly committed while in the scope of employment with city, specifically, claiming that defendants "misused personal information" and "published false and reckless statements" about her, placing her in a false light, which were tort claims that fell within the purview of the PSTCA.

Plaintiff, who filed defamation claim against city and city police officer, prematurely withdrew her claim under the Political Subdivisions Tort Claims Act (PSTCA), thus court's dismissal of plaintiff's claim was proper; plaintiff's withdrawing of her claim failed to satisfy a condition precedent to commencement of a lawsuit against city as a political subdivision of the State.