

Bond Case Briefs

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LIABILITY - ALABAMA

DeKalb-Cherokee Counties Gas District v. Raughton

Supreme Court of Alabama - February 23, 2018 - So.3d - 2018 WL 1024710

City employee brought action against county gas district, alleging negligence relating to injuries city employee sustained when district employee was dumping refuse at city landfill.

After a jury trial, the Circuit Court entered a verdict in favor of city employee, and denied district's motion for judgment as a matter of law. District appealed.

The Supreme Court of Alabama held that, absent evidence of foreseeability, the district could not be held liable for negligence after side wall fell from dump truck and injured city employee.

Absent evidence that it was foreseeable that a side wall of a dump truck could become detached as a result of performing a clutch-release maneuver, truck operator's employer could not be held liable for negligence after employee performed that maneuver and the side wall fell and injured city employee; evidence showed that the maneuver was a common method of dislodging and dumping the contents of dump trucks and that performing the maneuver did not violate any formal safety standards, and there was no evidence indicating that side wall had become detached in the past, that operator's agents knew it might become detached, or that an inspection would have revealed that it might become detached.