

# **Bond Case Briefs**

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## **IMMUNITY - WYOMING**

### **Whitham v. Feller**

**Supreme Court of Wyoming - April 30, 2018 - 415 P.3d 1264 - 2018 WY 43**

Minor student and his parents brought action against county school district and school district employees, alleging that employees had committed various torts, including negligence, battery, child endangerment, civil trespass, assault, false reporting, and intentional infliction of emotional distress, that school district was liable for employees' actions under doctrine of respondeat superior, and that school district also committed direct acts of negligence.

The District Court found that school district and employees were immune from suit under the Wyoming Governmental Claims Act and granted school district's and employees' motion to dismiss with prejudice. Parents and student appealed.

The Supreme Court of Wyoming held that:

- Student and his parents failed to allege that employees were acting outside scope of their duties, as was required for student and parents to allege that employees and school district were not entitled to immunity under Act, and
- Supreme Court would reject student's and parents' argument that Court, in determining whether school district and employees were entitled to immunity under Act, should balance respective equities and recognize exception to immunity for violations of school policy and/or criminal conduct.