

# **Bond Case Briefs**

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## **IMMUNITY - ALABAMA**

### **Ex parte Utilities Board of City of Foley**

**Supreme Court of Alabama - June 28, 2018 - So.3d - 2018 WL 3153581**

Employee of bridge-repair contractor brought action for negligence and wantonness against municipal utility and certain employees to recover for injuries suffered from being electrocuted from overhead power lines while employee was working on the bridge-repair project.

Employee's wife asserted a claim for loss of consortium. The Circuit Court denied utility's and employees' motions for summary judgment. Utility and employees petitioned for a writ of mandamus.

The Supreme Court of Alabama held that:

- Municipal utility's risk manager had state-agent immunity as to the negligence claim, but
- Municipal utility did not have substantive immunity.

Risk manager for municipal utility had state-agent immunity from negligence claim by bridge-repair contractor's employee who was electrocuted from overhead power lines while working on the bridge-repair project, which were lines that were not specifically mentioned in a line-locate ticket that utility received regarding the project; technician who worked on the line-locate ticket perceived no hazard from the ticket's wording or from his visit to the construction site, technician did not bring the ticket to a supervisor's attention, and manager's alleged failure to manage the department in a manner that would have enabled him to prevent the incident fell squarely within state-agent immunity as to administration of a department or agency.

Municipal utility did not have substantive immunity from personal-injury claim by bridge-repair contractor's employee who was electrocuted from overhead power lines while working on the bridge-repair project, which were lines that were not specifically mentioned in a line-locate ticket that utility received regarding the project; the claims against utility did not involve actions that took place within the municipality.