
LIABILITY - KENTUCKY

Norfolk Southern Railway Company v. Johnson

Supreme Court of Kentucky - August 16, 2018 - S.W.3d - 2018 WL 3912866

City patrol officer, who was injured when she fell while descending embankment during pursuit of suspect, brought premises-liability action against landowner, asserting that embankment was dangerous condition.

The Circuit Court granted landowner's motion for directed verdict. Patrol officer appealed. The Court of Appeals reversed and remanded. Landowner sought discretionary review.

The Supreme Court of Kentucky held that:

- Landowner did not call law enforcement about suspect did not preclude landowner from asserting firefighter rule to bar claim;
- Officer, as incident of her occupation, came to landowner's property to engage specific risk, as supported application of firefighter's rule; and
- Officer's injury was result of risk that officer was called upon to engage, and thus firefighter's rule barred claim.

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