

Bond Case Briefs

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Ex parte City of Montgomery

Supreme Court of Alabama - August 31, 2018 - So.3d - 2018 WL 4174712

Motorist involved in a collision with a police vehicle brought action against police officer in officer's individual and official capacities for negligence and wantonness and against city under the theory of respondeat superior.

The Circuit Court denied officer's and city's joint motion for summary judgment, which officer and city had made based on a claim of immunity. Officer and city petitioned for a writ of mandamus.

The Supreme Court of Alabama held that:

- Police officer was entitled to state-agent immunity, and
- City was entitled to the benefit of officer's immunity.

Police officer, in her individual capacity, was entitled to state-agent immunity from motorist's action against officer for negligence and wantonness as to a collision between motorist's vehicle and patrol car in an intersection; at the time of the collision, officer was responding to an emergency dispatch, officer slowly proceeded into the intersection with lights and siren activated, officer was not required to further slow patrol car when entering each lane and crossing the intersection, and there was a sufficient amount of time for two lanes of traffic to stop before patrol car entered the intersection.