

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - MISSISSIPPI

Mark v. City of Hattiesburg

Court of Appeals of Mississippi - January 8, 2019 - So.3d - 2019 WL 125656

City municipal court clerk, who was terminated and reassigned after being accused of hiding paperwork, shredding documents, accepting bribes in exchange for dismissing tickets, fines, and warrants, and engaging in inappropriate contact with judges brought action against city, mayor, and city council members alleging slander, invasion of privacy, breach of implied contract, negligence, and intentional or negligent infliction of emotional distress.

The Circuit Court granted city's motion for summary judgment and following trial granted members' and mayor's motion for directed verdict. Clerk appealed.

The Court of Appeals held that:

- City did not improperly deny clerk's grievance hearing and wrongfully transfer her;
- City was immune from liability for invasion of privacy and intentional infliction of emotional distress claims under the Tort Claims Act;
- No evidence showed that clerk suffered physical or emotional damages, as required for her negligence and negligent infliction of emotional distress claims;
- Public comments to media by mayor and members regarding reported misconduct by municipal court clerks were not directed at clerk specifically, as required for slander;
- Disclosure to the public of city council's letter to mayor regarding allegations of misconduct by municipal court clerks, and an executive summary prepared by city's attorney regarding the allegations, did not constitute an invasion of clerk's privacy; and
- No evidence showed members or mayor engaged in extreme conduct beyond all possible bounds of decency for clerk's claim of intentional infliction of emotional distress.