

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - CONNECTICUT

Fiano v. Old Saybrook Fire Company No. 1, Inc.

Supreme Court of Connecticut - June 25, 2019 - A.3d - 332 Conn. 93 - 2019 WL 2571251

Motorcyclist brought action against volunteer firefighter, fire department, and town, alleging that firefighter, while driving a motor vehicle, collided with motorcyclist, that motorcyclist was injured as result of firefighter's negligent operation of his motor vehicle, and that fire department and town were vicariously liable for firefighter's negligence.

Fire department and town moved for summary judgment, alleging that because firefighter had left firehouse and was on his way home to attend to personal matters when collision occurred there was no genuine issue of material fact as to whether firefighter was acting within scope of his employment.

The Superior Court granted motion. Motorcyclist appealed. The Appellate Court affirmed. The Supreme Court then granted motorcyclist's petition for certification to appeal.

The Supreme Court held that:

- Volunteer firefighter was not acting within scope of his employment when his motor vehicle collided with motorcyclist, and thus fire department and town were not vicariously liable for firefighter's alleged negligence under doctrine of respondeat superior, where firefighter had left firehouse premises, entered his own personal vehicle, and driven vehicle away from premises with intent of attending to his own personal affairs when collision occurred, and nothing that occurred after he embarked on pursuit of purely personal affairs and before collision brought him back under fire department's control, and
- Assuming that volunteer firefighter was acting within scope of his employment for purposes of workers' compensation law at time firefighter, who was driving his personal vehicle, collided with motorcyclist, he was not acting within scope of his employment for purposes of establishing that fire department and town were vicariously liable for his alleged negligence, since he was engaged in pursuit of purely personal affairs and was not acting for benefit of or under control of the fire department when collision occurred.