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## Rutledge v. City of Kimball

**Supreme Court of Nebraska - December 6, 2019 - 304 Neb. 593 - 935 N.W.2d 746**

Victim, who was allegedly assaulted by city employee in city building, brought assault and battery claim against employee and brought action against city, alleging that city was negligent for failing to supervise employee and for failing to protect the general public and victim from employee.

The District Court granted city's motion to dismiss, and victim appealed.

The Supreme Court held that victim's claim fell within intentional torts exception to Political Subdivisions Tort Claims Act (PSTCA).

Negligence claim brought against city by victim, arising out of battery allegedly committed by city employee in city building, fell within intentional torts exception to Political Subdivisions Tort Claims Act (PSTCA), and thus, city did not waive its sovereign immunity; victim could not allege any potential source of duty other than employee's employment status, and there was no special relationship between employee and city, other than employment relationship, that could give rise to affirmative duty to protect victim from employee.

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