

Bond Case Briefs

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Thompson v. City of St. Joseph

Missouri Court of Appeals, Western District - December 17, 2019 - S.W.3d - 2019 WL 6843499

Passengers of stolen vehicle brought suit against city to recover damages for injuries sustained in automobile accident, alleging that road maintained by city was in dangerous and defective condition.

The Circuit Court granted city's motion for summary judgment. Passengers appealed.

The Court of Appeals held that:

- Genuine issue of material fact precluded summary judgment;
- Passengers introduced sufficient evidence in summary judgment record to put issue before jury; and
- Passengers sufficiently alleged waiver of city's sovereign immunity.

Genuine issue of material fact as to whether lack of edge lines and signage together with edge-drop in road maintained by city was or was not proximate cause of automobile passengers' injuries precluded summary judgment for city in suit brought by passengers to recover damages.

Automobile passengers introduced sufficient evidence in summary judgment record to put issue before jury of whether city should have foreseen that lack of edge line markings and excessive drop off on edge of roadway could cause driver leaving roadway to overcorrect upon reentry and crash vehicle resulting in similar injuries as passengers, where passenger-side wheels of automobile carrying passengers leaving of roadway was only slight deviation from road.

Allegation that lack of edge line markings and excessive drop off on edge of roadway maintained by city caused or contributed to cause driver to leave roadway, overcorrect upon reentry, and crash vehicle, sufficiently alleged that city's conduct in failing to maintain road was proximate cause of passengers' injuries, as necessary to allege waiver of city's sovereign immunity.