

# **Bond Case Briefs**

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## **IMMUNITY - KENTUCKY**

### **A.H. v. Louisville Metro Government**

**Supreme Court of Kentucky - December 17, 2020 - S.W.3d - 2020 WL 7395585**

Inmate's estate brought action against city and county's consolidated local government body and director of local department of corrections, among others, alleging multiple torts and constitutional violations seeking compensatory and punitive damages for allegedly withholding inmate's medication.

After removal and remand, the Circuit Court entered four orders granting summary judgment and dismissing all claims. Estate appealed.

The Court of Appeals affirmed. Both sides' requests for discretionary review were granted.

The Supreme Court held that:

- Stipulation drafted by estate and filed in federal court prior to remand did not dismiss government body from case;
- Government body qualified for immunity to claimed statutory violation;
- Claims brought against director in his official capacity were treated as suit against local government body, to which immunity applied;
- Director was entitled to qualified immunity on claims against him in his individual capacity;
- Record failed to indicate that Attorney General was notified of constitutional challenge to statutes, precluding appellate review;
- Statute that creates a private right of action for a violation of a statute does not create a private right of action for violations of the state constitution; and
- The Supreme Court would not create new cause of action.