

Bond Case Briefs

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Estate of McCartney by and through McCartney v. Pierce County

Court of Appeals of Washington, Division 2 - June 28, 2022 - P.3d - 2022 WL 2311855

Estate of deceased sheriff's deputy, by and through its personal representative, and members of deputy's family filed wrongful death action against county, alleging that county's failure to properly staff and train sheriff's department resulted in deputy's death in the line of duty, and sought a writ of mandamus ordering county to provide department with sufficient staffing.

The Superior Court granted county's motion for judgment on the pleadings. Plaintiffs appealed.

The Court of Appeals held that:

- Trial court could take judicial notice of county records regarding county's decisions on sheriff's department funding;
- Governmental discretionary immunity applied to county's decisions on funding for staffing of sheriff's department and sheriff's deputy allocation;
- Professional rescuer doctrine barred recovery by estate and family; and
- Workplace safety laws did not prescribe and define county's duty regarding sheriff's department staffing with such precision as to leave nothing to the exercise of discretion or judgment.