

Bond Case Briefs

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NEGLIGENCE - KANSAS

Martin v. City of Topeka

Supreme Court of Kansas - September 11, 2026 - P.3d - 2026 WL 2671989

Motorist injured when his vehicle struck a pothole and flipped brought negligence action against city, alleging that the city failed to maintain its streets in a reasonably safe condition.

The District Court granted summary judgment for the city. Motorist appealed. The Court of Appeals affirmed. Supreme Court granted motorist's petition for review.

The Supreme Court held that:

- As a matter of first impression, public-duty doctrine and the Tort Claims Act can coexist;
- Public-duty doctrine did not bar motorist's claim;
- Genuine issue of material fact existed as to whether city breached its duty to keep street safe; and
- Genuine issues of material fact precluded summary judgment on city's immunity under discretionary-function exception to the Tort Claims Act.