
MUNICIPAL LIABILITY - LOUISIANA

Guillory v. City of Lake Charles

Court of Appeal of Louisiana, Third Circuit - May 8, 2013 - So.3d - 2013-9 (La.App. 3 Cir. 5/8/13)

Bus drivers brought action against city to recover for injuries allegedly sustained as a result of driving defective buses. The district court awarded summary judgment to city pursuant to the exclusivity provisions of the Workers' Compensation Act. Drivers appealed.

The court of appeal held that city's alleged failure to follow up on requested repairs to buses did not rise to the level of an intentional tort, and thus intentional act exception to workers' compensation exclusivity did not apply.

The Workers' Compensation Act shields employers from civil liability stemming from employees who are injured in the course and scope of their employment. The Act provides the exclusive remedy to such employees. The exclusivity provisions of the Workers' Compensation Act do not apply if the employee's injury resulted from an intentional act.

An "intentional act" in the context of the exception to workers' compensation exclusivity has the same meaning as an intentional tort; that is, the person who acts either (1) consciously desires the physical result of his act, or (2) knows that the result is substantially certain to follow from his conduct, whatever his desire may be as to that result.

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