
TORT CLAIMS ACT - INDIANA

City of Indianapolis v. Buschman

Supreme Court of Indiana - June 4, 2013 - N.E.2d - 2013 WL 2407481

Motorist and her husband brought action pursuant to the Indiana Tort Claims Act (ITCA) against city and police department alleging personal injuries as a result of negligence of police officer.

The Supreme Court of Indiana held that inclusion of information in tort claim notice beyond that required by ITCA did not limit or restrict scope of claim; disapproving Howard County Bd. of Com'rs v. Lukowiak, 810 N.E.2d 379.

Claimant's inclusion of information in her tort claim notice to city beyond that required by the ITCA did not operate to restrict the scope of her claim, and therefore notice that stated "no injuries" did not render claimant's notice insufficient in action against city stemming from alleged negligence of police officer, as the ITCA required no statement regarding injuries. The purpose of ITCA was to advise city of motor vehicle accident so that it could promptly investigate the surrounding circumstances, and legislature did not intend to penalize claimants for including information beyond what the ITCA required.

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