

Bond Case Briefs

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TORT CLAIMS ACT - KANSAS

Continental Western Ins. Co. v. Shultz

Supreme Court of Kansas - July 5, 2013 - P.3d - 2013 WL 3378339

Injured motorist's workers' compensation carrier filed suit against city, city police department, and police officer to recover for amounts paid as result of motorist's accident with officer, due to officer's alleged negligence.

The Supreme Court of Kansas held that:

- Carrier's pre-suit notice of claim substantially complied with statute governing same, and
- Carrier was not required to file revised notice of claim as prerequisite to amended petition that asserted nearly eleven-fold increase in damages from amount asserted in original notice and petition.

Pre-suit notice to city filed by injured motorist's workers' compensation carrier of claim under Kansas Tort Claims Act based on alleged negligence of city police officer, which notice alleged \$19,590.07 in damages, substantially complied with statute governing same, despite subsequent amended petition which alleged damages of \$228,088.25. Notice provided city with sufficient information to investigate and understand merits of carrier's demand, same damages were alleged in both notice and original petition, carrier's request to amend petition was governed by different rule governing amendment to pleadings, and city did not argue that it was unaware of carrier's claims or that it did not have enough time to investigate claims before suit was brought.