

Bond Case Briefs

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GOVERNMENTAL IMMUNITY - UTAH

Torrie v. Weber County

Supreme Court of Utah - August 6, 2013 - P.3d - 2013 UT 48

Parents of fleeing suspect, who died in car crash, filed a lawsuit against deputy and county, alleging various theories of negligence in connection with deputy's pursuit of their son.

The Supreme Court held, as matter of first impression, that statutory language exempting emergency vehicle operators from general traffic laws imposes a duty to fleeing suspects to act as a reasonably prudent emergency vehicle operator in like circumstances,

Public duty doctrine precludes the imposition of a duty on a government entity with respect to specific individuals in the absence of a specific connection between the government agency and the individuals that makes it reasonable to impose a duty, and there are at least four circumstances that may create such a special relationship: (1) by a statute intended to protect a specific class of persons of which the plaintiff is a member from a particular type of harm; (2) when a government agent undertakes specific action to protect a person or property; (3) by governmental actions that reasonably induce detrimental reliance by a member of the public; and (4) under certain circumstances, when the agency has actual custody of the plaintiff or of a third person who causes harm to the plaintiff.