

Bond Case Briefs

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Edgerton v. Town of Clinton

Supreme Court of Connecticut - March 18, 2014 - A.3d - 2014 WL 928696

Estate of passenger injured in collision with tree while driver was fleeing the scene of another accident in which driver collided with a automobile driven by a volunteer firefighter brought action against town, alleging town's emergency dispatcher's failure to act to stop pursuit by volunteer firefighter was a proximate cause of passenger's injuries. Following a jury trial, estate was awarded \$12,713,612.97 in damages. Town appealed.

The Supreme Court of Connecticut held that:

- No possible basis existed from which to conclude that it would have been apparent to town's emergency dispatcher that her actions in responding to volunteer firefighter's emergency call would have subjected a passenger in a vehicle being pursued by firefighter to imminent harm, as required to apply the identifiable person-imminent harm exception to governmental immunity for dispatcher's discretionary acts or omissions;
- Dispatcher's knowledge of the town's geography and the layout of its roads was not, in and of itself, probative of whether it would have been apparent to dispatcher that volunteer firefighter was engaged in a high speed pursuit of another vehicle, and that dispatcher's conduct in failing to advise firefighter to abandon his pursuit was likely to subject a passenger in the vehicle being pursued to harm;
- Dispatcher's knowledge of the location of volunteer firefighter's vehicle and the vehicle he was pursuing was not probative of whether it would have been apparent to dispatcher that firefighter was engaged in a high speed pursuit, and that dispatcher's conduct in failing to advise firefighter to abandon his pursuit was likely to subject a passenger in the vehicle being pursued to harm; and
- Dispatcher's acknowledgment to firefighter that there was no further value in his keeping hit and run vehicle in sight was insufficient to satisfy the apparentness requirement of the exception to governmental immunity with regard to passenger injured when vehicle being pursued hit a tree.