

Bond Case Briefs

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Smith v. City of Stillwater

Supreme Court of Oklahoma - May 20, 2014 - P.3d - 2014 OK 42

Father of motorcyclist who was killed during police pursuit brought wrongful death action against city and county. The trial court dismissed county on grounds of sovereign immunity and granted summary judgment in favor of the City. Father appealed. The Court of Civil Appeals affirmed in part and reversed in part. Father and county petitioned for certiorari review.

The Supreme Court of Oklahoma held that:

- The mere mention of “policy” in father’s complaint was insufficient to invoke statutory immunity under the Governmental Tort Claims Act (GTCA), and
- In a matter of first impression, statutory provision that granted exemptions to the traffic laws for authorized emergency vehicles did not provide that law enforcement officers of a state or political subdivision engaged in a police pursuit owed a duty of care to a fleeing suspect.