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Haab v. East Bank Consol. Special Service Fire Protection Dist. of Jefferson Parish

Court of Appeal of Louisiana, Fifth Circuit - May 28, 2014 - So.3d - 13-954 (La.App. 5 Cir. 5/28/14)

Renters who suffered loss of personal property when parish fire personnel failed to promptly respond to a fire at the house they were renting during a hurricane brought action against parish and several of its departments and employees responsible for public safety, seeking to hold defendants liable for the loss of their property. Defendants moved for summary judgment, alleging that they were immune from suit. The District Court granted summary judgment in favor of defendants. Plaintiffs appealed.

The Court of Appeal held that:

- Parish and departments were entitled to absolute immunity from suit under the Louisiana Homeland Security and Emergency Assistance and Disaster Act (HSA) regarding their conduct in activating fire service disaster response plan and in failing to immediately respond to a residential fire on account of hurricane’s high winds;
- Parish and departments were not entitled to absolute immunity from suit under HSA regarding their conduct in formulating, adopting, and reviewing parish fire disaster response plan;
- Parish public safety employees were immune from suit under HSA for their conduct in delaying response to residential fire on account of hurricane’s high winds;
- Parish public safety employees were entitled to discretionary immunity from suit under state discretionary immunity statute for their conduct in delaying response to residential fire on account of hurricane’s high winds; and
- Parish and departments were entitled to discretionary immunity regarding their conduct in formulating, adopting, and reviewing the parish fire service disaster response plan.

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