

# **Bond Case Briefs**

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## **IMMUNITY - UTAH**

### **Mallory v. Brigham Young University**

**Supreme Court of Utah - July 8, 2014 - P.3d - 2014 UT 27**

Motorcyclist brought personal injury action against university and traffic cadet for injuries sustained in motor vehicle accident after being directed out of football stadium parking lot by cadet. The District Court dismissed action. Motorcyclist appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. University petitioned for certiorari review.

The Supreme Court of Utah held that:

- Employee status, for purposes of affording immunity under the Governmental Immunity Act of Utah (GIAU), can extend to governmental agents that are neither servants, independent contractors, or any of the other explicitly listed classes under the Act;
- The one-year period for motorcyclist to file a claim against university and its traffic cadet for acts committed during the performance of cadet's duties as a servant of city began to run on the date motorcyclist was injured in an accident while leaving a university parking lot; and
- University and its traffic cadet were servants of city when cadet was directing traffic after football game, and therefore entitled to employee status under the GIAU.