

# **Bond Case Briefs**

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## **IMMUNITY - MARYLAND**

### **Dehn Motor Sales, LLC v. Schultz**

**Court of Appeals of Maryland - July 22, 2014 - A.3d - 2014 WL 3586548**

Automobile dealership filed suit under Local Government Tort Claims Act (LGTCA) and § 1983 against police officer and sergeant, seeking damages arising out of alleged illegal, warrantless seizure and towing of 67 vehicles from dealership property. The Circuit Court entered summary judgment for officer and sergeant, and dealership appealed. The Court of Special Appeals affirmed. Request for certiorari review was granted.

The Court of Appeals held that:

- Dealership's prior replevin action against director of city Department of Transportation and others arising out of seizure and towing of vehicles from dealership's lot did not serve as notice of claim for damages against police officer and sergeant, as prerequisite to suit for alleged state constitutional violations under LGTCA, and
- Officer and sergeant who initiated seizure and towing of vehicles from automobile dealership were entitled to qualified immunity from suit under § 1983.