

Bond Case Briefs

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LIABILITY - WISCONSIN

Legue v. City of Racine

Supreme Court of Wisconsin - July 25, 2014 - N.W.2d - 2014 WI 92

Motorist brought action against city and city police officer for injuries sustained in collision between motorist's vehicle and police car driven by police officer responding to emergency dispatch calling the officer to the scene of an accident. Following jury verdict in favor of motorist, the Circuit Court granted officers' motions for judgment notwithstanding the verdict and motion for directed verdict. Motorist appealed. The Court of Appeals certified appeal to the Supreme Court.

The Supreme Court of Wisconsin held that:

- Statute creating duty of due regard imposed liability;
- Duty of due regard was ministerial duty, rather than discretionary duty; and
- Officer's actions were cause of accident.

Statute governing exemption of emergency vehicle operators from compliance with certain rules of the road imposed liability on operators for violations of the express duty of due regard imposed by the statute. There was no reason for legislature to exempt an operator of an emergency vehicle from complying with certain rules of the road and impose a duty of due regard unless a violation of the duty could result in liability.