

Bond Case Briefs

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LIABILITY - MINNESOTA

Shariss v. City of Bloomington

Court of Appeals of Minnesota - August 18, 2014 - N.W.2d - 2014 WL 4056083

Motorist brought negligence action against city and snowplow driver after snowplow backed into motorist while making room for school bus. The District Court denied city's and snowplow driver's motion for summary judgment on immunity grounds, and city and snowplow driver appealed.

The Court of Appeals held that snowplow driver's decision to back up was ministerial rather than discretionary.

City snowplow driver's decision to place snowplow in reverse to allow school bus to proceed was ministerial rather than discretionary such that driver did not have discretionary function immunity from motorist's negligence action arising out of collision between snowplow and motorist's vehicle. Snowplow driver was stopped and was waiting in a queue behind another snowplow, and based on standard operating procedure, which imposed a duty to maintain traffic flow, driver decided to reverse his snowplow and began to back up.