

Bond Case Briefs

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LIABILITY - ALABAMA

Alabama Mun. Ins. Corp. v. Allen

Supreme Court of Alabama - September 26, 2014 - So.3d - 2014 WL 4798918

Passenger and driver brought action against police officer in his individual capacity for injuries they sustained in automobile accident with officer, who was on his way to work. Following judgment in favor of plaintiffs, city and city's insurer moved to intervene and sought to limit judgment pursuant to \$100,000 municipal damages cap. The Circuit Court entered judgment in favor of plaintiffs. City and insurer appealed.

The Supreme Court of Alabama held that:

- Municipal damages cap did not apply in action against police officer in his individual capacity for negligence that occurred outside his employment;
- City was not obligated to indemnify police officer for negligent actions that occurred outside the performance of his official duties; and
- City was not considered the real party in interest in the action.