

# **Bond Case Briefs**

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## **LIABILITY - DISTRICT OF COLUMBIA**

### **Allen v. District of Columbia**

**District of Columbia Court of Appeals - September 25, 2014 - A.3d - 2014 WL 4746406**

After prospective firefighter participated in required physical ability test (PAT), fell ill, and died, firefighter's parents filed wrongful death and survival action against District, alleging gross negligence of emergency medical technician (EMT) in charge of evaluating firefighter candidates at PAT. The Superior Court granted District summary judgment. Parents appealed.

The Court of Appeals held that:

- As a matter of first impression, public duty doctrine was applicable;
- There was not direct and continuous contact between District and firefighter, as required for exception to doctrine to apply; and
- Firefighter did not justifiably rely on EMTs monitoring PAT, as required for exception to doctrine to apply.

Public duty doctrine was applicable in wrongful death and survival action against District of Columbia, stemming from death of prospective firefighter after he participated in physical ability test (PAT), with respect to conduct by emergency medical technicians (EMT) who were assigned to provide on-site vital-signs monitoring of firefighter candidates during administration of PAT. Any alleged acts or omissions of EMT in responding to prospective firefighter's health crisis after he completed PAT were not part of PAT program, but rather were part of District's provision of emergency services, such that any negligence of EMT in treating firefighter occurred once her role evolved from basic monitor to emergency responder.