

Bond Case Briefs

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LIABILITY - MARYLAND

Holloway-Johnson v. Beall

Court of Special Appeals of Maryland - November 25, 2014 - A.3d - 2014 WL 6674143

Parent of motorcyclist, individually and as personal representative of motorcyclist's estate, brought a wrongful-death action against city police officer who was involved in a vehicular collision that resulted in motorcyclist's death, alleging negligence, gross negligence, battery, and violation of the Maryland Declaration of Rights. At the close of trial, the court entered judgment in favor of police officer on the gross negligence, battery, constitutional, and punitive damages claims. The negligence claim went to a jury, which returned a verdict in favor of parent in the amount of \$3.505 million. Judgment was entered. In response to officer's subsequent motion, the Circuit Court ordered that officer was entitled to a new trial and, alternatively, ordered the judgment reduced to \$200,000 in accordance with the Local Government Tort Claims Act (LGTCa). Parent appealed.

The Court of Special Appeals held that:

- Officer had no authority to waive for his employer, the city's police department, the LGTCa's cap on damages that parent could collect from the police department;
- Issue of whether officer was grossly negligent was for the jury;
- Issue of whether contact by police officer's cruiser with the motorcycle constituted battery by officer was for the jury;
- Issue of whether officer used excessive force, so as to violate the Maryland Declaration of Rights, was for the jury;
- Issue of whether officer's conduct was so egregious as to call for an award of punitive damages was for the jury; and
- Officer was not operating his cruiser in the performance of emergency services at the time of the collision, for immunity purposes.