

Bond Case Briefs

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LIABILITY - NEBRASKA

Maclovi-Sierra v. City of Omaha

Supreme Court of Nebraska - March 27, 2015 - N.W.2d - 290 Neb. 443

Pedestrian filed suit against city for injuries received when he was struck by suspect driving stolen pickup truck allegedly being pursued by city law enforcement officers. The District Court dismissed complaint, and pedestrian appealed.

The Supreme Court of Nebraska held that:

- Police officer was not in “vehicular pursuit” of suspect at time suspect lost control of truck while exiting interstate and struck pedestrian, within meaning of Political Subdivisions Tort Claims Act;
- Although second police officer and sergeant might have initiated vehicular pursuit when suspect entered interstate, pursuit was terminated at time that suspect exited interstate and struck pedestrian; and
- Actions of suspect after any arguable vehicular pursuit was terminated were sole proximate cause of pedestrian’s injuries.