

Bond Case Briefs

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Taylor v. Maxson

Court of Appeals of Kentucky - February 19, 2016 - S.W.3d - 2016 WL 675429

Petitioner who had filed records request under Open Records Act with Education and Workforce Development Cabinet filed suit against Cabinet's policy advisor, seeking tort damages for emotional distress and other claims. The Franklin Circuit Court dismissed claims on basis of governmental and qualified official immunity. Petitioner appealed.

Commonwealth of Kentucky Court of Appeals held that:

- Limited waiver of governmental immunity for willful violation of Open Records Act did not extend to claim against policy advisor for tort damages for emotional distress;
- Suit for violation of Open Records Act could only be brought against Cabinet, and not against Cabinet policy advisor in his individual capacity;
- Policy advisor was entitled to qualified official immunity from liability for statements made to Attorney General related to petitioner's records appeal; and
- Statements made by policy advisor to Attorney General were cloaked with absolute judicial immunity.