

Bond Case Briefs

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Greene v. Succession of Alvarado

**Court of Appeal of Louisiana, First Circuit - December 27, 2016 - So.3d - 2016 WL 7443262
- 2015-1960 (La.App. 1 Cir. 12/27/16)**

Motorist brought action against trailing motorist's succession and Department of Transportation and Development (DOTD) arising out of collision on icy bridge which killed trailing motorist and severely injured motorist.

After bench trial, the 32nd Judicial District Court entered judgment in favor of motorist. DOTD appealed.

The Court of Appeal held that:

- Decisions and actions undertaken by DOTD as to maintenance of bridge in a reasonably safe condition, in hours preceding accident, were operational in nature, not policy-making or discretionary, and therefore governmental immunity did not apply to such decisions and actions;
- Evidence was sufficient to support finding that DOTD had constructive knowledge or notice of ice on bridge; and
- Evidence was sufficient to support finding that DOTD failed to take reasonable corrective measures.