

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **PUBLIC EMPLOYMENT - INDIANA**

### **City of Lawrence Utilities Service Board v. Curry**

**Supreme Court of Indiana - February 8, 2017 - N.E.3d - 2017 WL 526540**

Former city utility superintendent brought action against city, mayor, and city utilities services board, asserting claims for wrongful termination and intentional interference with employment relationship, and seeking to recover under Wage Payment Statute.

The Superior Court granted summary judgment in favor of superintendent on wrongful discharge claim, granted summary judgment in favor of city on claim under Wage Payment Statute, and denied summary judgment on intentional interference claim. Superintendent and city appealed. The Court of Appeals affirmed in part, reversed in part, and remanded with instructions. Superintendent sought transfer to the Supreme Court, which was granted.

The Supreme Court held that:

- Statutory provision granting mayor the authority to suspend or remove from office any officers, deputies, or other employees of the city appointed by the executive or a prior executive did not give mayor authority to terminate superintendent's employment;
- Pursuant to municipal utility superintendent statute, superintendent could only be removed by city's utility service board, and only after receiving notice and a hearing;
- Superintendent could not recover, pursuant to Wage Payment Statute, wages and liquidated damages from city for each day that he was unpaid since his termination; and
- Fact issues precluded summary judgment on superintendent's claim for tortious interference with employment contract.