

# **Bond Case Briefs**

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## **IMMUNITY - ALABAMA**

### **Ex parte City of Homewood**

**Supreme Court of Alabama - March 24, 2017 - So.3d - 2017 WL 1101601**

Passenger of vehicle that struck light pole during high-speed pursuit brought action against city law enforcement officers and city, alleging that she was injured as result of the negligent, reckless, or wanton conduct of the officers during the officers' pursuit of the vehicle and that city was vicariously liable for officers' conduct.

The Jefferson Circuit Court denied motions brought by officers and city for summary judgment on grounds of immunity. City and officers petitioned Supreme Court for writ of mandamus directing the Circuit Court to enter summary judgment in their favor.

The Supreme Court of Alabama held that:

- Law enforcement officers were exercising judgment and discretion when pursuing vehicle at high-speed in an attempt to arrest driver and passenger for allegedly shoplifting, as required for officers to demonstrate that they were entitled to state-agent immunity from passenger's claims, and
- Passenger could not demonstrate through additional discovery that genuine issue of material fact existed with regard to state-agent immunity of officers, and thus, pendency of discovery did not bar summary judgment as to passenger's claims against officers.