

Bond Case Briefs

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Marziale v. Spanish Fork City

Supreme Court of Utah - August 22, 2017 - P.3d - 2017 WL 3613445 - 2017 UT 51

Husband and wife brought action against city, alleging negligence and loss of consortium after wife fell at city sports complex.

The city moved for summary judgment, alleging the action was not filed within the limitations period. The Fourth District Court granted the motion. Husband and wife appealed. The Court of Appeals reversed and remanded. City petitioned for writ of certiorari.

The Supreme Court of Utah held that:

- Dishonor of credit card payment after husband and wife electronically submitted their complaint did not affect the validity of the filing for purposes of preserving a claim under the statute of limitations, and
- Dishonor of credit card payment did not affect the validity of undertaking under the Governmental Immunity Act.

Dishonor of credit card payment after husband and wife electronically submitted a negligence and loss of consortium complaint against city via an electronic filing service provider did not affect the validity of the filing for purposes of preserving a claim under the statute of limitations; payment of a filing fee was not a jurisdictional prerequisite for the commencement of an action.

Dishonor of credit card payment after husband and wife electronically submitted a negligence and loss of consortium complaint against city via an electronic filing service provider did not affect the validity of the undertaking filed with the complaint, as required by the Governmental Immunity Act. A holding that dishonor of payment affected the validity of the filing of an undertaking could have serious due process problems if, as was alleged, the undertaking payment had been dishonored through no fault of the plaintiffs and the plaintiffs had received no notice of the dishonor of payment until after the statute of limitations had run.