

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **CONTRACTS - MISSISSIPPI**

### **Springer v. Ausbern Construction Co., Inc.**

**Supreme Court of Mississippi - October 19, 2017 - So.3d - 2017 WL 4684628**

Road-construction contractor brought action against county board of supervisors for breach of contract and county engineer for tortious interference with the contract.

After a jury trial, the Circuit Court entered judgment against county and engineer. Engineer appealed. The Court of Appeals reversed and rendered. Certiorari was granted.

The Supreme Court of Mississippi held that claim for tortious interference with contract against county engineer in his individual capacity was not subject to Tort Claims Act's presuit notice requirements, overruling *Whiting v. Univ. of S. Mississippi*, 62 So. 3d 907.

Road-construction contractor's claim for tortious interference with contract against county engineer in his individual capacity was not subject to Tort Claims Act's presuit notice requirements; tortious interference claim required proof of malice as an essential element, Act provided that torts constituting malice were not within course and scope of employment, and Act only waived immunity for injuries caused by governmental employees while acting in course and scope of employment; overruling *Whiting v. Univ. of S. Mississippi*, 62 So. 3d 907.