

Bond Case Briefs

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Ex parte City of Muscle Shoals

Supreme Court of Alabama - February 23, 2018 - So.3d - 2018 WL 1025039

Worker for contractor brought action against city, alleging city was negligent in failing to safeguard worker from defective grate in park, and asserting a claim for workers' compensation.

City filed a motion for summary judgment. The Circuit Court granted the motion with regard to the workers' compensation claim, but denied the motion with respect to the negligence claim. City filed a petition for writ of mandamus.

The Supreme Court of Alabama held that:

- City was entitled to challenge trial court's ruling by petitioning for a writ of mandamus, and
- City was entitled to municipal immunity.

City was entitled to challenge trial court's denial of its motion for summary judgment in negligence action by petitioning for a writ of mandamus, as city had asserted it was entitled to municipal immunity.

City was entitled to municipal immunity in negligence action brought by contractor's worker for injuries he suffered after falling through broken drain grate in park, even if city had a duty to keep the park in a safe condition for invitees; worker did not present substantial evidence of neglect, carelessness, or unskillfulness by city personnel, and there was no evidence that city had any notice that the grate was, in fact, defective.