

# **Bond Case Briefs**

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## **IMMUNITY - ALABAMA**

### **Barnhart v. Ingalls**

**Supreme Court of Alabama - November 21, 2018 - So.3d - 2018 WL 6074918**

Former employees of the Space Science Exhibit Commission brought putative class action against Commission's officers in officers' official capacities in which employees sought a declaratory judgment that the Commission's existing policies and compensation plan did not comply with the plain terms of state statutes on holiday and longevity pay, an injunction requiring the Commission's officers to henceforth comply with the statutes, and an award of all moneys previously earned but not paid because of the failure to comply with the statutes, and employees asserted negligence/wantonness and breach-of-fiduciary-duty claims against the Commission's officers in officers' individual capacities.

The Circuit Court certified a class for all claims except the claim for an injunction. Commission's officers petitioned for a writ of mandamus.

The Supreme Court of Alabama held that:

- The Court would exercise its discretion and treat the mandamus petition as a notice of appeal;
- State immunity did not bar claim for an award of all moneys previously earned but not paid due to Commission's officers' alleged failure to comply with state statutes at issue;
- State sovereign immunity barred claims against officers in their individual capacities, overruling *Ex parte Bronner*, 171 So.3d 614;
- Trial court did not exceed its discretion in concluding that the commonality requirement for class actions was met;
- Trial court did not exceed its discretion in concluding that the typicality requirement for class actions was met; and
- Named plaintiffs could adequately protect the interest of entire class as to claim for a declaration that the Commission's existing policies and compensation plan did not comply with the plain terms of state statutes at issue.