

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **IMMUNITY - MARYLAND**

### **Johnson v. Francis**

**Court of Special Appeals of Maryland - November 28, 2018 - A.3d - 2018 WL 6191475**

Judgment creditor served interrogatories and a subpoena for deposition and production of documents on police department, which was judgment debtors' employer, after the Court of Special Appeals affirmed and modified the award in the underlying dispute and affirmed the quashing of writs of execution and garnishment.

The Circuit Court granted department's motions for protective orders and quashed the subpoena. Creditor appealed.

The Court of Special Appeals held that:

- Final judgment rule did not bar creditor's appeals;
- Creditor's second motion for reconsideration did not toll deadline for appeal;
- Interrogatories issued in aid of enforcement of a judgment may only be propounded to parties;
- Creditor's subpoenas sought irrelevant information, and thus were properly quashed; and
- Local Government Tort Claims Act (LGTCA) renders local government liable to the underlying plaintiff, not liable for indemnification of its employee.

Where a money judgment is entered against an employee of a local government arising from tortious acts or omissions committed by the employee, the local government is liable to the plaintiff for the amount of the judgment, up to the limits in the Local Government Tort Claims Act (LGTCA), if and only if the employee was acting within the scope of his or her employment with the local government.

Where a money judgment is entered against an employee of a local government arising from tortious acts or omissions committed by the employee, a plaintiff who obtains the judgment can establish the local government's liability under the Local Government Tort Claims Act (LGTCA) by filing an enforcement action against the local government; in such a proceeding, the local government can raise as a defense that the employee was not acting within the scope of his or her employment.