

Bond Case Briefs

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Sena v. American Medical Response of Connecticut, Inc.

Supreme Court of Connecticut - September 3, 2019 - A.3d - 333 Conn. 30 - 2019 WL 4123498

Administratrix of patient's estate brought negligence action against city arising out of emergency services' response to patient's call complaining of severe breathing difficulty, alleging city negligently failed to follow local emergency service plan and permitted statutory highway defect to exist.

The trial court denied city's motion for summary judgment, and city appealed.

After transfer of appeal, the Supreme Court held that:

- Statute providing immunity to political subdivisions for death or injury to persons that result from, inter alia, attempted compliance with statutory provisions governing disaster prevention and mitigation extends state's sovereign immunity, including both immunity from suit and liability, to political subdivisions;
- Command and control of storm response and snow removal by city's emergency operations center, as well as decisions made during that process, constituted an "activity" of attempted compliance with emergency mitigation and prevention statutes, for which city had immunity for resulting death or injury to persons;
- Such immunity applied regardless of whether activities occurred in preparation for, during, or following a civil preparedness emergency; and
- Any dispute concerning date that mayor revoked declaration of state of emergency or date of partial lifting of fire response protocol restriction was not an issue of material fact that would preclude summary judgment in favor of city.