

Bond Case Briefs

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Ex parte Tucker

Supreme Court of Alabama - December 6, 2019 - So.3d - 2019 WL 6649372

Pedestrian allegedly injured when she tripped and fell on a residential street brought action against city's public-works director based on allegations of negligence and wantonness.

The Circuit Court denied director's motion for summary judgment. Director petitioned for a writ of mandamus.

The Supreme Court held that the director had State-agent immunity from the action.

A State agent shall be immune from civil liability in his or her personal capacity when the conduct made the basis of the claim against the agent is based upon the agent's discharging duties imposed on a department or agency by statute, rule, or regulation, insofar as the statute, rule, or regulation prescribes the manner for performing the duties and the State agent performs the duties in that manner.

City's public-works director had State-agent immunity from negligence and wantonness claims asserted against him by pedestrian who allegedly tripped and fell on residential street two years after street had been repaved; although pedestrian contended that there was substantial evidence that the purported dangerous pavement edge drop off at issue existed at the time of the repavement project, pedestrian's allegations appeared to concern the maintenance and/or repair of the street's shoulder, and director exercised judgment in determining how and where to use the limited resources available to the city to repair and maintain streets, which were decisions protected by State-agent immunity.