

Bond Case Briefs

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Mark v. City of Hattiesburg

Supreme Court of Mississippi - February 6, 2020 - So.3d - 2020 WL 581910

City municipal court clerk, who was terminated and reassigned after being accused of hiding paperwork, shredding documents, accepting bribes in exchange for dismissing tickets, fines, and warrants, and engaging in inappropriate contact with judges brought action against city, mayor, and city council members alleging slander, invasion of privacy, breach of implied contract, negligence, and intentional or negligent infliction of emotional distress.

The Circuit Court granted city's motion for summary judgment and, following trial, granted members' and mayor's motion for directed verdict. Clerk appealed. The Court of Appeals affirmed. Clerk's petition for writ of certiorari was granted, and he appealed.

The Supreme Court held that:

- Mayor and city council members had immunity under the Tort Claims Act from clerk's claim seeking to hold them individually liable for invasion of privacy, and
- Councilman who disclosed clerk's breast cancer diagnosis and surgery through disclosure of her medical leave form to news media did not act maliciously, and, thus, councilman had immunity under the Tort Claims Act.

Mayor and city council members did not conspire with councilman who disclosed city municipal court clerk's breast cancer diagnosis and surgery through disclosure of her medical leave form to news media, and, thus, mayor and city council members had immunity under the Tort Claims Act from clerk's claim seeking to hold them individually liable for invasion of privacy, even if councilman's conduct was malicious, and thus not within course and scope of his employment.

Councilman who disclosed city municipal court clerk's breast cancer diagnosis and surgery through disclosure of her medical leave form to news media did not act maliciously, and, thus, councilman had immunity under the Tort Claims Act from clerk's claim seeking to hold him individually liable for invasion of privacy, where councilman did not act with any ill will toward clerk or disclose her medical leave form in wanton disregard of her privacy rights; rather, he acted negligently at worst.