

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - VERMONT

Civetti v. Turner

Supreme Court of Vermont - April 3, 2020 - A.3d - 2020 WL 1651229 - 2020 VT 23

Individual who was injured in motor vehicle accident allegedly caused by the noncompliant town road filed lawsuit to recover for his injuries.

Superior Court granted motion to dismiss for failure to state cause of action, and individual appealed.

The Supreme Court held that:

- State statutes served to shift town road commissioner's liability and defenses to the town, which stood in its officer's shoes and thus could assert only such defenses as would be available to road commissioner,
- Whether town road commissioner, in allegedly failing to ensure that town road complied with standards established by town for its roads, was performing a discretionary function could not be determined on motion to dismiss plaintiff's claims based on qualified immunity.