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TRESPASS - ALABAMA

Bailey v. City of Leeds

Court of Civil Appeals of Alabama - March 13, 2020 - So.3d - 2020 WL 1223460

Decedents' relatives brought action against city based on claims that city employees trespassed on decedents' graves and that employees negligently removed adornments and damaged or destroyed them.

The Circuit Court entered summary judgment for city. Relatives appealed.

The Court of Civil Appeals, held that:

- Decedents' relatives' lack of ownership of the real estate on which the cemetery plots were located was not a basis for precluding relatives from maintaining trespass claim;
- City employees' alleged disturbance, while conducting maintenance work, of the land on which cemetery plots were located could not be a basis for a trespass claim; and
- Genuine issue of material fact as to information that the city provided regarding its intention to remove adornments and regarding what items could be placed on the cemetery plots and where they could be placed precluded summary judgment on the negligence claim.

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