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Borelli Estate of Giordano v. Renaldi

Supreme Court of Connecticut - June 24, 2020 - A.3d - 2020 WL 3467487

Administratrix of estate of motorist's passenger filed suit against police officers and town for wrongful death, based on alleged negligence arising out of high-speed chase of fleeing motorist, which resulted in motorist striking embankment off side of road and flipping vehicle, killing passenger.

The Superior Court entered summary judgment for defendants on basis of governmental immunity from liability, and administratrix appealed.

The Supreme Court held that:

- Even assuming that second police officer had joined pursuit, such fact was not material to whether statute governing operation of emergency vehicles and town's police pursuit policy involved discretionary decisions;
- Passenger was not member of foreseeable class of identifiable victims, within meaning of exception to governmental immunity from liability for discretionary decisions for identifiable class of victims subject to imminent harm from officers' exercise of discretion; and
- Passenger was not "identifiable individual," within meaning of exception to governmental immunity from liability for discretionary acts that subject identifiable individual to imminent harm.