

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - KENTUCKY

Upper Pond Creek Volunteer Fire Department, Inc. v. Kinser

Supreme Court of Kentucky - November 12, 2020 - S.W.3d - 2020 WL 6735854

Motorist who had been rescued by members of volunteer fire department from beneath the vehicle under which he was pinned, but who allegedly sustained significant injuries as result of firefighters' actions, brought cause of action to recover from fire department for its alleged failure to properly train or supervise and negligent hiring.

Fire department filed motion to dismiss on government immunity grounds, and the Circuit Court denied motion, and appeal was taken. The Court of Appeals dismissed appeal, and discretionary review was granted.

The Supreme Court held that circuit court order denying volunteer fire department's motion to dismiss, on governmental immunity grounds, the negligent failure to train or supervise and negligent hiring claims against it was not immediately appealable.

Circuit court order denying volunteer fire department's motion to dismiss, on governmental immunity grounds, the negligent failure to train or supervise and negligent hiring claims against it by individual who had sustained significant injuries due to volunteer firefighters' alleged lack of care in extricating him from beneath vehicle under which he was pinned, but without resolving question of whether fire department's training, supervising, and hiring were governmental functions, for which it was entitled to immunity, pending further discovery on issue, was in nature of interlocutory order that was not immediately appealable.