
IMMUNITY - NORTH CAROLINA

Hicks v. KMD Investment Solutions, LLC

Court of Appeals of North Carolina - March 2, 2021 - S.E.2d - 2021 -NCCOA- 39 - 2021 WL 786599

Motorist and passenger brought negligence action against North Carolina Department of Transportation (NCDOT), seeking damages for injuries sustained in automobile accident that occurred when water flowed from debris-filled ditch onto highway and froze.

The Superior Court denied NCDOT's motion for directed verdict during jury trial and later denied NCDOT's motion for judgment notwithstanding the verdict (JNOV) and entered judgment in favor of motorist and passenger. NCDOT appealed.

The Court of Appeals held that sufficient evidence supported jury's finding that NCDOT had constructive notice of deficient condition of ditch and thus breached its duty to maintain highway.

In personal-injury action arising from automobile accident that occurred when water flowed from ditch onto highway and froze, sufficient evidence supported jury's finding that North Carolina Department of Transportation (NCDOT) had constructive notice of deficient condition of ditch and thus breached its duty to maintain highway; evidence indicated that NCDOT violated its own guidelines in maintenance of ditch, which was completely filled in at time of accident, ditch had been at least 50% filled in for at least six months before accident, and deficient condition of ditch was clearly visible.

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