

# **Bond Case Briefs**

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## **IMMUNITY - INDIANA**

### **Ladra v. State**

**Supreme Court of Indiana - December 9, 2021 - 177 N.E.3d 412**

Motorist who was injured when her vehicle hydroplaned on interstate road and collided with concrete barrier wall brought action against the State and the Department of Transportation, alleging that she suffered injury due to Department's failure to post warnings of flooded roadway and failure to maintain proper drainage.

After a hearing, the Superior Court found defendants enjoyed governmental immunity under Indiana Tort Claim Act and granted defendants' motion for summary judgment. Motorist appealed. The Court of Appeals affirmed. Motorist petitioned for transfer, which was granted.

The Supreme Court held that fact issue as to whether condition of roadway resulted from Department's failure to rectify known problem that manifested during only during inclement weather precluded summary judgment on basis of immunity.

Genuine issue of material fact existed as to whether flooding condition on interstate roadway resulted from Department of Transportation's failure to rectify known problem with clogging of drains that manifested only during inclement weather, as would preclude summary judgment on basis of immunity under Indiana Tort Claims Act, in action by motorist who was injured when her vehicle hydroplaned on road and collided with concrete barrier wall.