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Ex parte City of Warrior

Supreme Court of Alabama - June 24, 2022 - So.3d - 2022 WL 2286244

Personal representative of estate of motorist killed in collision with vehicle going the wrong way while its driver was attempting to flee police brought negligence action against fictitiously named defendants, who, personal representative claimed, were yet-to-be-named police officers or individuals who were in pursuit of the wrong-way vehicle's driver.

Personal representative later amended the complaint to substitute the names of police officers for the fictitiously named defendants. The Circuit Court denied police officers' motion for summary judgment. Officers petitioned for mandamus relief. The Supreme Court granted the petition and issued the writ. City and town filed motions for summary judgment. The Circuit Court denied city and town's motions for summary judgment. City and town filed a petition for a writ of mandamus directing the Circuit Court to vacate its order denying their motions for summary judgment in tort action.

The Supreme Court held that city and town were entitled to immunity.

City and town were entitled to immunity in estate of motorist's action alleging city and town were vicariously liable under doctrine of respondeat superior for the purported wrongful conduct of their police officers, who engaged in a high speed pursuit of defendant driver, during which driver drove the wrong way on interstate and caused a head-on collision with motorist, resulting in the death of motorist; police officers were performing discretionary law enforcement functions in pursuing defendant driver's vehicle in an attempt to place him under arrest for evading a lawful traffic stop, and thus officers were entitled to State-agent immunity from liability on claims filed by estate of motorist.