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Norg v. City of Seattle

Supreme Court of Washington, En Banc - January 12, 2023 - P.3d - 2023 WL 164077

Caller who had placed 911 call seeking emergency medical assistance for her husband, as well as husband, brought action against city, alleging that delayed response by city's fire department aggravated caller and husband's injuries.

The Superior Court granted partial summary judgment in favor of caller and husband and struck city's affirmative defense of public duty doctrine. On interlocutory review, the Court of Appeals affirmed. Review was granted.

The Supreme Court held that caller and husband's action was one based on alleged breach of city's common law duty to use reasonable care, rather than on breach of a statute or ordinance, and thus the public duty doctrine did not preclude imposition of liability on city.

Action against city by caller who placed 911 call and by caller's husband, for whom caller had sought medical assistance, was one based on alleged breach of city's common law duty to use reasonable care, rather than on breach of a statute or ordinance, and thus the public duty doctrine did not preclude imposition of liability on city, even though there was statutory basis for city to provide 911 services, where caller and husband did not claim that city failed to operate a 911 service or violated any implicit promise under 911 statute to promptly dispatch medical aid but rather that city undertook to render emergency assistance but then did so negligently by going to the wrong address even though caller had provided correct address.

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