

Bond Case Briefs

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LIABILITY - TENNESSEE

Lawson v. Hawkins County

Supreme Court of Tennessee - February 16, 2023 - S.W.3d - 2023 WL 2033336

Deceased motorist's widow brought wrongful death action against county, county emergency communications district, county emergency management agency, and others following fatal accident in which motorist hit rock embankment on road blocked by trees and mudslide and flipped down mountain.

The Circuit Court granted county defendants' motions for judgment on the pleadings on immunity grounds. Widow appealed, and the Court of Appeals reversed. The Supreme Court granted county defendants' application for permission to appeal.

The Supreme Court held that term "negligence" in Government Tort Liability Act statute lifting immunity for "injury proximately caused by a negligent act or omission of any employee within the scope of his employment" does not include recklessness or gross negligence.