

Bond Case Briefs

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LIMITATION OF ACTIONS - MISSISSIPPI

Moton v. City of Clarksdale

Supreme Court of Mississippi - July 6, 2023 - So.3d - 2023 WL 4360567

Former city commissioner filed suit against city, executor of former mayor's estate, and police captain, asserting various tort claims and violations of state constitutional rights to free speech, due process, and equal protection, arising out of commissioner's arrests during two board of commissioners meetings.

The Circuit Court granted defendants' motion to dismiss for failure to state claim, on limitations grounds, and commissioner appealed.

The Supreme Court held that:

- Commissioner's claims for gross negligence, intentional infliction of emotional distress, negligent infliction of emotional distress, and civil conspiracy were governed by one-year limitations period for tort claims brought under Mississippi Tort Claims Act (MTCA);
- One-limitations period governing tort claims was not tolled;
- Commissioner's state constitutional claims were governed by general three-year limitations period for "[a]ll actions for which no other period of limitation is prescribed";
- Commissioner's causes of action for state constitutional violations accrued, and three-year limitations period governing claims began to run, on dates of arrests; and
- Commissioner's claim for malicious prosecution accrued, and one-year limitations period governing claim began to run, on date that charges against him were dismissed.