

# **Bond Case Briefs**

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## **IMMUNITY - MISSISSIPPI**

### **Phillips v. City of Oxford**

**Supreme Court of Mississippi - August 3, 2023 - So.3d - 2023 WL 4943506**

Motorist, on behalf of herself and her minor child, brought action against city under Mississippi Tort Claims Act (MTCA), seeking to recover damages for injuries she and her child sustained when patrol car driven by police officer en route to emergency struck her vehicle in an intersection.

Following bench trial, the Circuit Court entered final judgment in favor of city. Motorist appealed. The Court of Appeals reversed. Writ of certiorari was granted.

The Supreme Court, en banc, held that evidence supported finding that city was entitled to police-protection immunity.

Evidence supported trial court's finding that police officer's conduct prior to automobile collision at intersection did not rise to high standard of reckless disregard, for purpose of determining city's entitlement to police-protection immunity under Mississippi Tort Claims Act (MTCA); officer exercised some measure of safety precaution by activating his lights and sirens throughout his response, he activated his horn for additional warning at intersections, he slowed as he approached intersections, and dash camera showed that all other cars at subject intersection yielded to officer except car driven by plaintiff motorist.