

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **IMMUNITY - MARYLAND**

### **Williams v. Morgan State University**

**Supreme Court of Maryland - August 14, 2023 - A.3d - 2023 WL 5198267**

Former university employee brought action in state court against university and former supervisor, alleging claims of wrongful termination in violation of Maryland public policy, defamation, and retaliation in violation of the National Defense Authorization Act (NDAA) and the American Recovery and Reinvestment Act (ARRA).

Defendants removed to federal court and the United States District Court for the District of Maryland granted defendants' motion to dismiss for failure to state a claim. Former employee appealed. The Court of Appeals affirmed in part, vacated in part, and remanded. On remand, the District Court granted defendants renewed motion to dismiss on the ground that the Maryland Tort Claims Act (MTCA) does not waive the state's sovereign immunity with respect to federal whistleblower claims. Former employee appealed. The Court of Appeals certified question of law to the Supreme Court, which the Supreme Court accepted.

The Supreme Court held that as a matter of first impression, MTCA's limited waiver of state's sovereign immunity for a "tort action," does not expressly or by necessary implication encompass federal statutory claims.

Based on the plain language of the Maryland Tort Claims Act (MTCA) and its statutory context, purpose, and legislative history, MTCA's limited waiver of state's sovereign immunity for a "tort action," does not expressly or by necessary implication encompass federal statutory claims; when the General Assembly has intended to waive state's sovereign immunity for purposes of a state statutory claim, it generally has done so directly within specific statutory scheme at issue, General Assembly has demonstrated that it knows how to waive sovereign immunity to federal claims when that is its intent, and extending scope of the waiver provision to federal statutory claims is inconsistent with both the key, neighboring provisions concerning interplay between state and state employee's immunity in certain suits, as well as MTCA's role as a gap-filler scheme.