
IMMUNITY - OKLAHOMA

Jackson County Emergency Medical Service District v. Kirkland

Supreme Court of Oklahoma - February 13, 2024 - P.3d - 2024 WL 564543 - 2024 OK 4

Toll worker who was injured when ambulance collided with a turnpike tollbooth filed a negligence action against ambulance driver and county emergency medical services (EMS) district.

The District Court denied defendants' motions for summary judgment and to substitute parties. EMS district filed an application to assume original jurisdiction and a petition for writ of prohibition.

As matters of first impression, the Supreme Court held that:

- Board of trustees, as the EMS district's governing body, should have been substituted as a party;
- EMS district, vis-a-vis the board of trustees, was subject to immunity from liability to the same extent as municipalities and counties within the state enjoyed such immunity; and
- EMS district, vis-a-vis the board of trustees, was immunity from liability in negligence action brought by toll worker who had received workers' compensation benefits.

Board of trustees for county emergency medical services (EMS) district should have been substituted for the EMS district in negligence action brought by highway toll worker injured in ambulance collision with toll booth; EMS district and its board of trustees were not distinctly created entities which could be separated from each other, and EMS district's board of trustees was the expressed entity to be sued as EMS district's sole governing body.

County's emergency medical services (EMS) district, vis-a-vis the board of trustees, was subject to immunity from liability in negligence action brought by toll worker injured in an ambulance collision to the same extent as municipalities and counties within the state enjoyed such immunity under the Oklahoma Governmental Tort Claims Act (GTCA).

County's emergency medical services (EMS) district, vis-a-vis the board of trustees, was immune from liability in negligence action brought by toll worker injured in an ambulance collision under the Oklahoma Governmental Tort Claims Act (GTCA), where the GTCA precluded liability if the injury was covered by workers' compensation, and it was undisputed that workers' compensation benefits had been paid to toll worker as a result of the accident.

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