
IMMUNITY - MISSISSIPPI

Yazoo City v. Hampton

Supreme Court of Mississippi - May 30, 2024 - So.3d - 2024 WL 2760711

Following destruction of two properties by fire, the properties' respective owners brought action against city, alleging that fire department negligently failed to provide the knowledge and equipment to fight fires, to properly train and supervise firefighters, and to adequately maintain its fire hydrant system, and asserting claims for property damage, with one owner also asserting a personal injury claim seeking to recover for cardiac event and stroke allegedly caused by stress from the property damage.

Raising the Mississippi Tort Claims Act (MTCA) as a defense, city filed motion for summary judgment. The Circuit Court denied city's motion. City appealed.

The Supreme Court held that:

- City was immune under the MTCA from liability for property damage, and
- City was immune under the MTCA from liability on personal injury claim.

Absent any allegation that city fire department's actions were in reckless disregard of the safety and wellbeing of any person, city was immune under the Mississippi Tort Claims Act (MTCA) from liability for property damage allegedly caused by fire department's failure to effectively fight fire, in negligence action brought by property owners, based on lack of tank water in firetruck and delay in connecting to a fire hydrant; although property owners alleged that city showed reckless disregard by failing to provide the requisite knowledge and equipment to fight fires, property damage claims focused solely on criticizing how fire was fought, and thus claims arose directly from acts or omissions of municipal employees engaged in the performance of their duties relating to fire protection.

City fire department's ineffective fighting of fire, resulting in destruction of property, did not come within the exception to immunity under the Mississippi Tort Claims Act (MTCA) for actions in disregard of the safety and wellbeing of a person, and thus city was immune under the MTCA from liability on property owner's personal injury claim, seeking to recover for cardiac event and stroke allegedly resulting from the stress caused by destruction of his property in fire, notwithstanding that property owner argued that the fire department acted in reckless disregard of his property, and linked such disregard to his injury.

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