

# **Bond Case Briefs**

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## **IMMUNITY - KENTUCKY**

### **Morales v. City of Georgetown**

**Supreme Court of Kentucky - October 24, 2024 - S.W.3d - 2024 WL 4576332**

Former sheriff's deputy, who served on joint law enforcement group specially trained in tactical operations, brought action asserting negligence claims against city police lieutenant, who was group's co-commander, and city police officer, who also served on group, in their official and individual capacities, and asserting negligence and vicarious liability claims against city and city police department, arising from incident in which deputy was shot and paralyzed during group's operation to apprehend alleged bank robber.

The Circuit Court granted summary judgment for defendants. Deputy appealed. The Court of Appeals affirmed in part and reversed in part. Parties filed cross-motions for discretionary review, which were granted.

The Supreme Court held that:

- City police officer was afforded qualified official immunity with respect to act of firing his service weapon during operation;
- Lieutenant was not afforded qualified official immunity with respect to alleged failure to formulate plan and to remove members from group for missing training;
- Lieutenant was afforded qualified official immunity with respect to alleged failure to adequately supervise his subordinates and ensure his subordinates wore tactical vests;
- Genuine issues of material fact precluded summary judgment as to claims against lieutenant insofar as they were based on alleged breach of duty to formulate plan and to remove members from group for missing training;
- City and city police department were not entitled to immunity with respect to claims of vicarious liability; and
- City and city police department were entitled to immunity with respect to direct negligence claims.