

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - ALABAMA

Ex parte Scott

Supreme Court of Alabama - January 10, 2025 - So.3d - 2025 WL 63936

Residential landlords filed against city a class-action complaint that challenged city ordinance that required certificates of occupancy and inspections for rental properties.

After city repealed the ordinance following entry of a preliminary injunction, landlords filed an amended complaint that added as defendants, in their individual and representative capacities, the city's mayor, the president of the city council, and former council president and that sought damages from those officials due to the officials' enactment of the ordinance in the first place.

The Circuit Court denied the officials' motion to dismiss. Officials petitioned for a writ of mandamus.

The Supreme Court held that:

- Officials abandoned their argument that landlords' official-capacity claims were duplicative of their claims against city;
- Officials' failure to assert in their motion to dismiss or in their reply to landlords' response to the motion their argument that State-agent immunity barred landlords' official-capacity claims meant that such an argument could not be a basis for granting them mandamus relief;
- Officials' failure to assert in their motion to dismiss or in their reply to landlords' response to the motion their argument that legislative immunity barred landlords' official-capacity claims meant that such an argument could not be a basis for granting them mandamus relief; and
- Officials had legislative immunity from landlords' individual-capacity claims.