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Theisz v. Massachusetts Bay Transportation Authority

Supreme Judicial Court of Massachusetts, Suffolk - March 14, 2025 - N.E.3d - 495 Mass. 507 - 2024 WL 5465208

Commuter brought action against transportation authority, asserting claims under the Massachusetts Tort Claims Act (MTCA) for negligent hiring, training, supervising, and retaining bus driver with known history of anger management issues who allegedly assaulted and severely injured commuter.

The Superior Court Department denied authority's motion for summary judgment. Transportation authority filed interlocutory appeal. The Appeals Court affirmed. Transportation authority was granted further review.

The Supreme Judicial Court held that genuine issue of material fact as to whether transportation authority "originally caused" commuter's harm, such that transportation authority did not have public employer immunity under MTCA, precluded summary judgment.

Genuine issue of material fact as to whether transportation authority's decision, through its public employees responsible for supervising bus driver, to schedule bus driver with known history of assaultive behavior to operate bus route, without training him to manage his anger, "originally caused" commuter's harm, such that transportation authority did not have public employer immunity under Massachusetts Tort Claims Act (MTCA), precluding summary judgment on commuter's claim for negligence in hiring, promoting, retaining, and supervising bus driver in public-facing position, arising from incident in which bus driver allegedly assaulted and severely injuring commuter.