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Ex parte City of Muscle Shoals

Supreme Court of Alabama - March 28, 2025 - So.3d - 2025 WL 939487

City residents brought action against city, asserting claim of negligence, claim of trespass, and claim for injunctive relief, all of which stemmed from the flooding of their houses allegedly caused by city's purported mismanagement of stormwater-drainage pond that was overwhelmed by heavy rainfall.

The Circuit Court denied city's motion to dismiss the claim for injunctive relief. City petitioned for writ of mandamus. The Supreme Court granted the petition and issued the writ. Thereafter, city answered the amended complaint and moved the summary judgment. The Circuit Court denied that motion. City petitioned for writ of mandamus.

The Supreme Court held that:

- Absent evidence that city breached any duty that it might have had by failing to plan for larger, less probable rainfall events, city employees or agents did not act with neglect, carelessness, or unskillfulness in designing improvements to or maintaining pond, insofar as that ground of municipal-immunity statute was implicated, and
- Absent evidence that city's design of improvements to pond was outside common practice and defective, city had immunity insofar as municipal-immunity statute's provision on municipal liability for failure to remedy known defects in public streets and buildings was implicated.

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