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Ex parte City of Orange Beach

Supreme Court of Alabama - April 4, 2025 - So.3d - 2025 WL 1007962

Widow, in her individual capacity and in her capacity as personal representative of husband's estate, brought wrongful-death action against city, asserting negligence and wantonness for city's failure to ensure that construction of subdivision in which the couple had lived complied with parking requirements for planned unit developments (PUDs), which failure allegedly led to husband's death from a heart attack when emergency services could not readily reach the home.

The Circuit Court denied city's motion for summary judgment. City petitioned for a writ of mandamus.

The Supreme Court held that:

- City had substantive immunity from the wantonness-based wrongful-death claim, and
- City had substantive immunity from the negligence-based wrongful-death claim.

City had substantive immunity from wantonness-based wrongful-death claim asserted by widow, who was acting in her individual capacity and in her capacity as personal representative of husband's estate and who contended that city's failure to ensure that construction of subdivision in which the couple had lived complied with parking requirements for planned unit developments (PUDs) led to husband's death from a heart attack when emergency services could not readily reach the home; statute on municipal liability excluded liability for wanton misconduct.

City had substantive immunity from negligence-based wrongful-death claim asserted by widow, who was acting in her individual capacity and in her capacity as personal representative of husband's estate and who contended that city's failure to ensure that construction of subdivision in which the couple had lived complied with parking requirements for planned unit developments (PUDs) led to husband's death from a heart attack when emergency services could not readily reach the home; a governmental entity's failure to enforce its own ordinance did not give rise to a tort action, and any benefit that the couple would have received from a proper city investigation of the subdivision's construction would have been merely incidental to the benefit derived by the citizens of the county in general.

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