

# **Bond Case Briefs**

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## **POLITICAL SUBDIVISIONS - KENTUCKY**

### **Louisville & Jefferson County Metropolitan Sewer District v. Albright**

**Supreme Court of Kentucky - March 20, 2025 - S.W.3d - 2025 WL 890812**

Mother of deceased child brought action against county sewer district, alleging claims for negligence, failure to warn, negligence per se, attractive nuisance, negligent infliction of emotional distress, and loss of consortium, arising out of child's death when he was swept into drainage pipe.

The Circuit Court granted sewer district's motion for summary judgment. Estate appealed. The Court of Appeals affirmed in part, reversed in part, and remanded. Sewer District's motion for discretionary review was granted.

The Supreme Court held that:

- Sewer district was a "special district" under Claims Against Local Governments Act (CALGA) and a "special purpose governmental entity" under statute governing such special purpose governmental entities;
- Mother's allegations were sufficient to allege that district failed to fulfill its ministerial duty to non-negligently maintain and repair the drainage system for which it was responsible, and thus that district was not immune from mother's negligence action; and
- Sewer district's guideline relating to use of grates on drainage pipes did not arise out of its exercise of legislative or quasi-legislative authority, and thus could not form basis for district to have municipal immunity.