

Bond Case Briefs

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Ex parte City of Montgomery

Supreme Court of Alabama - August 29, 2025 - So.3d - 2025 WL 2487401

Police officer employed by municipality brought action against municipality and other defendants, asserting claims for breach of contract, bad faith, fraudulent misrepresentation, failure to settle, violation of the Alabama Legal Services Liability Act, negligence, wantonness, conspiracy, and failure to procure insurance, based on allegations that municipality voluntarily acted as officer's insurer but refused to satisfy judgment obtained against officer in underlying negligence action brought by motorcyclist injured in collision with officer.

The Circuit Court denied municipality's motions to dismiss. Municipality petitioned for writ of mandamus.

The Supreme Court held that:

- Municipality waived statutory immunity defense that it might have asserted against some of police officer's claims;
- Municipality was not entitled at pleading stage to statutory immunity from police officer's fraudulent-misrepresentation claim; and
- Trial court's denial of municipality's motion to dismiss police officer's claim alleging violation of Alabama Legal Services Liability Act was not reviewable on municipality's petition for mandamus.