

SUPREME COURT OF INDIANA

Hochstetler v. Elkhart County Highway Department

868 N.E.2d 425 (Ind. 2007) · No. No. 20S05-0703-CV-97 · Decided June 20, 2007

SUMMARY

The Indiana Supreme Court held that county governmental entities were immune under the Indiana Tort Claims Act from a negligence claim arising from a tree that fell across a county road during a severe storm. The court concluded that the fallen tree was a temporary condition of a public thoroughfare resulting from weather and affirmed summary judgment for the defendants. Justice Dickson dissented, citing factual questions concerning the condition's temporary nature and causation.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Shepard, C.J.; Sullivan, J.; Boehm, J.; Dickson, J.; Rucker, J.
JURISDICTION	Indiana
DECIDED	June 20, 2007
DOCKET	No. 20S05-0703-CV-97
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Supreme Court of Indiana reviewed the case on petition to transfer after the Court of Appeals reversed a trial-court summary judgment for the county defendants in a negligence action.
STANDARD OF REVIEW	Immunity under the Indiana Tort Claims Act is a question of law for the court. Summary judgment is proper where the undisputed facts establish statutory immunity.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; binding precedent in Indiana.
PARTIES	Marvin J. Hochstetler v. Elkhart County Highway Department, Elkhart County Sheriff Department, Elkhart County Commissioners

TOPICS

- municipal liability
- statutory interpretation
- standard of review
- appellate procedure
- negligence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the fallen tree constituted a temporary condition of a public thoroughfare resulting from weather under Indiana Code section 34-13-3-3(3).
2. Whether the county defendants were entitled to summary judgment based on immunity under the Indiana Tort Claims Act.
3. Whether the weather-related immunity provision applies where the plaintiff contends the condition resulted from the government's failure to monitor or maintain the road.

HOLDINGS

1. The county defendants were immune from liability because the fallen tree was a temporary condition of a public thoroughfare resulting from weather.
2. The Indiana Tort Claims Act does not bar claims in which the road condition resulted from poor inspection, design, or maintenance rather than from weather.

KEY QUOTATIONS

"There might well be a case in which weather-related conditions remained untended for so long a period that it no longer qualified as "temporary." This is not that case." (868 N.E.2d at 427)

FACTUAL BACKGROUND

A severe storm struck Elkhart County around 1 a.m. on June 12, 2001, producing numerous fallen trees and limbs across county roads. County highway crews began responding to reports at approximately 1:30 a.m.; by the end of the response there were fifty-six reports of fallen trees. Hochstetler, riding his motorcycle before 5 a.m., struck a tree that had fallen across a county road and contended that an approximately 2 a.m. report concerned the tree he encountered.

PROCEDURAL HISTORY

Hochstetler sued the county highway department, county commissioners, and county sheriff after striking a tree that had fallen across a county road. The trial court granted the defendants summary judgment based on immunity under the Indiana Tort Claims Act. The Court of Appeals reversed, and the Indiana Supreme Court granted transfer, vacated the Court of Appeals decision, and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- Higert v. City of Greencastle, 43 Ind. 574 (1873)
- Johnson v. City of Evansville, 95 Ind. App. 417, 180 N.E. 600 (1932)

- City of Muncie v. Hey, 164 Ind. 570, 74 N.E. 250 (1905)
- Mangold v. Ind. Dep't of Natural Res., 756 N.E.2d 970 (Ind. 2001)
- Catt v. Bd. of Comm'rs of Knox County, 779 N.E.2d 1 (Ind. 2002)
- Hochstetler v. Elkhart County Highway Dep't, 855 N.E.2d 731 (Ind. Ct. App. 2006)

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