

SUPREME COURT OF ALABAMA

Suttles v. Roy

75 So. 3d 90 (Ala. 2010) · Decided May 21, 2010

SUMMARY

The Alabama Supreme Court reviewed an interlocutory appeal involving personal-injury claims against the City of Homewood and a municipal police officer. The court held that the municipal-liability damages cap applied to claims against Homewood and the officer in his official capacity, but did not automatically cap claims against the officer in his individual capacity. It also held that the availability of State-agent immunity is ultimately a legal question for the court, although disputed underlying facts may require a jury determination, and remanded for the trial court to address the immunity issue.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Shaw, Justice; Cobb, Chief Justice; Lyons, Justice; Woodall, Justice; Stuart, Justice; Smith, Justice; Bolin, Justice; Parker, Justice; Murdock, Justice
JURISDICTION	Alabama
DECIDED	May 21, 2010
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Homewood and police officer Jerry Wayne Suttles appealed by permission under Rule 5, Ala. R. App. P., from an interlocutory order denying their motion for summary judgment in part in Roy's personal-injury action.
STANDARD OF REVIEW	Summary judgment is proper only when there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law. The availability of State-agent immunity is ultimately a question of law for the court, although disputed material facts bearing on immunity may require resolution by a jury.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	City of Homewood, Jerry Wayne Suttles v. Eldetraud "Trudy" Roy

TOPICS

summary judgment

interlocutory appeal

municipal liability

personal injury

civil procedure

PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether Roy could maintain a direct claim against Suttles in his individual capacity even though she conceded that the conduct occurred within the line and scope of his employment as a Homewood police officer.
2. Whether Alabama's statutory damages cap limited recovery against Suttles in his individual capacity, as well as against Homewood and Suttles in his official capacity.
3. Whether the availability of State-agent immunity under *Ex parte Cranman* and its progeny is a question of law for the court or a question of fact for the jury, and whether the record established Suttles's entitlement to immunity.

HOLDINGS

1. Roy could state a cognizable direct claim against Suttles in his individual capacity notwithstanding her concession that the alleged conduct occurred in the line and scope of his employment. Municipal peace officers are protected by State-agent immunity under Ala. Code § 6-5-338(a) and the *Cranman* framework, not by the blanket State immunity afforded to sheriffs under article I, § 14 of the Alabama Constitution.
2. The \$100,000 statutory cap applies to recovery against Homewood and to claims against Suttles in his official capacity, but it does not automatically apply to a claim against Suttles in his individual capacity. The defendants failed to establish that the individual-capacity claim could be treated as an official-capacity claim subject to the cap.
3. The availability of State-agent immunity is ultimately a question of law for the court, although disputed material facts relevant to immunity may require determination by a jury. The trial court therefore erred to the extent it held that the jury, rather than the court, would decide whether Suttles was entitled to State-agent immunity. The issue was remanded for the trial court to determine whether Suttles's summary-judgment motion established his entitlement to immunity.

KEY QUOTATIONS

“The existence of a genuine issue of material fact may require a factual issue to be determined by a jury, “under appropriate instructions from the trial court,” Blackwood, 936 So.2d at 507, but the availability of State-agent immunity is ultimately a question of law to be determined by the court.” (100)

“A claim against an employee in his or her individual capacity, however, does not seek to recover damages from the governmental entity.” (99)

FACTUAL BACKGROUND

In May 2006, Roy was walking across an intersection in Homewood while police officers directed traffic for a Torch Run fundraising event. Roy alleged that an officer permitted her to cross and that Suttles then struck her while driving a motorcycle at a high rate of speed and performing traffic-control maneuvers. Roy suffered numerous injuries and sued Homewood and Suttles in his official and individual capacities.

PROCEDURAL HISTORY

Roy sued Homewood and Suttles, in both his official and individual capacities, for injuries allegedly caused when Suttles struck her with a motorcycle while directing traffic during a Torch Run event. The trial court capped Homewood's liability at \$100,000, denied summary judgment seeking to apply that cap to Suttles in his individual capacity, and stated that genuine issues of fact existed regarding Suttles's liability and immunity. The trial court certified the order for interlocutory appeal, and the Supreme Court of Alabama granted permission to appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must determine whether Suttles's summary-judgment motion and the record establish that he is entitled to State-agent immunity under Cranman and its progeny. The denial of summary judgment on the individual-capacity claims was affirmed, while the ruling that the jury would decide the availability of immunity was reversed.

CASES CITED

- Ex parte Hale, 6 So. 3d 452, 457 (Ala. 2008)
- Ex parte Davis, 930 So. 2d 497, 500-01 (Ala. 2005)
- Alexander v. Hatfield, 652 So. 2d 1142, 1144 (Ala. 1994)
- Ex parte Cranman, 792 So. 2d 392, 405 (Ala. 2000)
- Hollis v. City of Brighton, 950 So. 2d 300, 309 (Ala. 2006)
- Ex parte Kennedy, 992 So. 2d 1276 (Ala. 2008)
- City of Birmingham v. Brown, 969 So. 2d 910, 916 (Ala. 2007)
- Parker v. Amerson, 519 So. 2d 442, 442-43, 446 (Ala. 1987)
- Benson v. City of Birmingham, 659 So. 2d 82, 86-87 (Ala. 1995)
- Smitherman v. Marshall County Commission, 746 So. 2d 1001, 1003-08 (Ala. 1999)
- Burgoon v. Alabama State Department of Human Resources, 835 So. 2d 131, 133 (Ala. 2002)
- Prattville v. Corley, 892 So. 2d 845 (Ala. 2003)
- Gamble v. Florida Department of Health & Rehabilitative Services, 779 F.2d 1509, 1513 (11th Cir. 1986)
- Ex parte Troy University, 961 So. 2d 105, 110 (Ala. 2006)
- Long v. Bryant, 992 So. 2d 673, 683 (Ala. 2008)

- Steele v. Rosenfeld, LLC, 936 So. 2d 488, 493 (Ala. 2005)
- Bennett v. Bennett, 506 So. 2d 1021, 1023 (Ala. Civ. App. 1987)
- Ex parte Sawyer, 984 So. 2d 1100, 1106-07 (Ala. 2007)
- Ryan v. Hayes, 831 So. 2d 21, 28 (Ala. 2002)
- Ex parte Davis, 721 So. 2d 685, 689 (Ala. 1998)
- Giambrone v. Douglas, 874 So. 2d 1046, 1052 (Ala. 2003)
- Ex parte Wood, 852 So. 2d 705, 708-09 (Ala. 2002)
- Ex parte Butts, 775 So. 2d 173, 178 (Ala. 2000)
- Ex parte Estate of Reynolds, 946 So. 2d 450, 452 (Ala. 2006)
- Blackwood v. City of Hanceville, 936 So. 2d 495, 507 (Ala. 2006)
- Montiel v. Holcombe, 240 Ala. 352, 199 So. 245 (1940)