

SUPREME COURT OF NORTH CAROLINA

Wood v. Guilford County, 355 N.C. 161

558 S.E.2d 490 (2002) · No. No. 318PA01 · Decided February 1, 2002

SUMMARY

The Supreme Court of North Carolina considered whether the Workers' Compensation Act provided the exclusive forum for an AOC employee injured in an assault at a county courthouse. The court held that Guilford County was a stranger to the plaintiff's employment and that the Industrial Commission therefore did not have exclusive jurisdiction. It nevertheless held that the public duty doctrine barred the plaintiff's negligence claim against the County, while expressing no opinion on the claim against the private security company.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Martin, Justice
JURISDICTION	North Carolina
DECIDED	February 1, 2002
DOCKET	No. 318PA01
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal by Guilford County from denial of its Rule 12(b)(6) motion to dismiss negligence and breach-of-contract claims; discretionary review was allowed after the Court of Appeals affirmed the denial as to negligence and reversed as to breach of contract.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint's allegations, treated as true, state a claim upon which relief can be granted. Subject-matter jurisdiction may be raised at any time, including on appeal.
PRECEDENTIAL VALUE	Published North Carolina Supreme Court opinion; precedential.
PARTIES	Guilford County v. Shelley Austin Wood

TOPICS

municipal liability

negligence

duty of care

subject matter jurisdiction

appellate procedure

PRACTICE AREAS

torts

municipal law

workers compensation

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the North Carolina Workers' Compensation Act provided the exclusive remedy and required Wood to pursue the action before the Industrial Commission.
2. Whether the public duty doctrine barred Wood's negligence claim against Guilford County for injuries caused by a third party's criminal assault.
3. Whether Wood's status as an Administrative Office of the Courts employee working in the courthouse established a special relationship or whether the County's provision of security created a special duty.
4. Whether the County's alleged waiver of governmental immunity permitted the negligence claim to proceed.

HOLDINGS

1. The Workers' Compensation Act did not make the Industrial Commission the exclusive forum for Wood's negligence action against Guilford County because the County was a stranger to the employment relationship between Wood and the State of North Carolina.
2. The public duty doctrine applies to a local government's provision of courthouse security when the security function is intended to protect the public generally from criminal conduct.
3. Neither the special-relationship exception nor the special-duty exception applied because Wood's courthouse employment did not create a special relationship, and she did not allege an actual promise of protection, reasonable reliance, and causation.
4. The court did not reach governmental immunity or the alleged waiver because the public duty doctrine defeated the negligence claim at the threshold.

KEY QUOTATIONS

"The test of whether the public duty doctrine applies is a functional one and includes consideration of the nature of the duty assumed by the local governmental defendant." (558 S.E.2d at 496)

"As the County owed no duty to plaintiff individually, the public duty doctrine operates to foreclose liability against the County on plaintiff's negligence claim." (558 S.E.2d at 497)

FACTUAL BACKGROUND

Shelley Austin Wood, an Administrative Office of the Courts employee, worked in the Guilford County courthouse. On March 31, 1998, she was assaulted there; the assailant was later convicted of attempted first-degree rape and assault with a deadly weapon inflicting serious injury. Guilford County had contracted with Burns International Security Services to provide courthouse security, although the statutory duty to provide judicial facilities did not expressly require the County to provide security.

PROCEDURAL HISTORY

Wood sued Guilford County and Burns International Security Services after she was assaulted in the Guilford County courthouse. The trial court dismissed her punitive-damages claim but denied the County's motion to dismiss the negligence and breach-of-contract claims. The Court of Appeals affirmed as to the negligence claims and reversed as to the breach-of-contract claim. The Supreme Court of North Carolina granted the County's petition for discretionary review, held that the Workers' Compensation Act did not provide the exclusive forum, but reversed the Court of Appeals on application of the public duty doctrine and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals' conclusion that the trial court properly exercised jurisdiction was affirmed, but its determination that the public duty doctrine was inapplicable was reversed. The case was remanded to the Court of Appeals for further remand to the trial court for proceedings consistent with the opinion.

CASES CITED

- Lemmerman v. A.T. Williams Oil Co., 318 N.C. 577, 350 S.E.2d 83 (1986)
- Bryant v. Dougherty, 267 N.C. 545, 148 S.E.2d 548 (1966)
- Pleasant v. Johnson, 312 N.C. 710, 325 S.E.2d 244 (1985)
- Hicks v. Guilford Cty., 267 N.C. 364, 148 S.E.2d 240 (1966)
- Strickland v. King, 293 N.C. 731, 239 S.E.2d 243 (1977)
- Jackson v. Bobbitt, 253 N.C. 670, 117 S.E.2d 806 (1961)
- Warner v. Leder, 234 N.C. 727, 69 S.E.2d 6 (1952)
- Woodson v. Rowland, 329 N.C. 330, 407 S.E.2d 222 (1991)
- Lynn v. Overlook Dev., 98 N.C. App. 75, 389 S.E.2d 609 (1990), aff'd in part and rev'd in part, 328 N.C. 689, 403 S.E.2d 469 (1991)
- Florence v. Goldberg, 44 N.Y.2d 189, 404 N.Y.S.2d 583, 375 N.E.2d 763 (1978)
- Senhour v. Hutto, 350 N.C. 601, 517 S.E.2d 121 (1999)
- Oates v. JAG, Inc., 314 N.C. 276, 333 S.E.2d 222 (1985)
- Mattingly v. N.C. R.R. Co., 253 N.C. 746, 117 S.E.2d 844 (1961)
- Lovelace v. City of Shelby, 351 N.C. 458, 526 S.E.2d 652 (2000)
- Braswell v. Braswell, 330 N.C. 363, 410 S.E.2d 897 (1991)
- Thompson v. Waters, 351 N.C. 462, 526 S.E.2d 650 (2000)
- Isenhour v. Hutto, 350 N.C. 601, 517 S.E.2d 121 (1999)
- Hunt v. N.C. Dep't of Labor, 348 N.C. 192, 499 S.E.2d 747 (1998)
- Stone v. N.C. Dep't of Labor, 347 N.C. 473, 495 S.E.2d 711 (1997), cert. denied, 525 U.S. 1016 (1998)
- Southern Ry. Co. v. Mecklenburg Cty., 231 N.C. 148, 56 S.E.2d 438 (1949)

