

SUPREME COURT OF SOUTH DAKOTA

Truman v. Griese

2009 SD 8 (S.D. 2009) · No. No. 24707 · Decided February 11, 2009

SUMMARY

The Supreme Court of South Dakota affirmed summary judgment for a South Dakota Department of Transportation traffic engineer based on sovereign immunity. The court held that duties concerning the placement of warning signs under SDCL 31-28-6 were discretionary rather than ministerial because no specific standard uniform traffic control practice required signs at the intersection.

CASE DETAILS

COURT	Supreme Court of South Dakota
WRITING FOR THE COURT	Gilbertson, Chief Justice (on reassignment); Gilbertson, Chief Justice; Konenkamp, Justice; Zinter, Justice; Meierhenry, Justice; Sabers, Retired Justice
JURISDICTION	South Dakota
DECIDED	February 11, 2009
DOCKET	No. 24707
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from an order granting the defendant's motion for summary judgment based on sovereign immunity.
STANDARD OF REVIEW	Whether sovereign immunity applies and whether the governmental duty is ministerial or discretionary are questions of law reviewed de novo. The classification of the duty is determined from the facts of the particular case, but the classification itself is a legal determination.
PRECEDENTIAL VALUE	Published opinion; binding South Dakota Supreme Court precedent.
PARTIES	Monny Truman, individually and as special administrator of the Estate of Patricia Truman, deceased, Steven and Dee Ann Rounds, individually, as conservators for Ciara Rounds and Zachary Rounds, minors, and as natural parents of Jesse Gerard Rounds, deceased unborn child v. Darren Griese, in his official capacity as South Dakota Department of Transportation Pierre Region Traffic Engineer, John Does, employees of the South Dakota Department of Transportation

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether sovereign immunity barred plaintiffs' claims alleging that the DOT traffic engineer failed to install additional warning signs at the Four Corners intersection.
2. Whether the duties imposed by SDCL 31-28-6 to erect and maintain warning signs were ministerial or discretionary under the circumstances.
3. Whether the evidence concerning the intersection's design, the MUTCD, and alleged points of danger created a genuine issue of material fact precluding summary judgment.

HOLDINGS

1. The alleged duty to install additional warning signs was discretionary because plaintiffs identified no standard uniform traffic-control practice that specifically required signs at this nonstandard intersection.
2. The evidence did not create a genuine issue of material fact requiring a jury determination because the existence and classification of a governmental duty are legal questions.
3. Sovereign immunity barred plaintiffs' claims arising from the alleged omission of additional warning signs, and summary judgment for defendants was proper.

KEY QUOTATIONS

"A ministerial act envisions direct adherence to a governing rule or standard with a compulsory result." (762 N.W.2d at 81)

"Therefore, any ministerial duties pertaining to the placement of traffic control signs under this statute must be required by standard uniform traffic control practices." (762 N.W.2d at 82)

"The introduction of factual information in order to properly categorize a government actor's duty as ministerial or discretionary does not transform sovereign immunity analysis from a question of law to a question of fact." (762 N.W.2d at 85)

FACTUAL BACKGROUND

The plaintiffs' vehicles collided at the Four Corners intersection of South Dakota Highways 34 and 63 and U.S. Highway 14. The intersection used a curved, free-flow route that created two Y intersections, and the collision caused multiple serious injuries, the deaths of Patricia Truman and Sue Ann Giago, and the loss of the Rounds family's unborn child. Plaintiffs alleged that the DOT traffic engineer negligently failed to install additional warning or traffic-control signs required by SDCL 31-28-6.

PROCEDURAL HISTORY

Following a fatal and injurious highway collision at the Four Corners intersection, plaintiffs sued the South Dakota Department of Transportation traffic engineer and unidentified DOT employees for negligence, wrongful death, and loss of consortium. The circuit court granted summary judgment for the defendants on sovereign-immunity grounds. The Supreme Court of South Dakota affirmed.

DISPOSITION

affirmed

CASES CITED

- Public Entity Pool for Liability v. Score, 2003 SD 17, 658 N.W.2d 64
- Alden v. Maine, 527 U.S. 706 (1999)
- Lick v. Dahl, 285 N.W.2d 594 (S.D. 1979)
- Darnall v. State, 79 S.D. 59, 108 N.W.2d 201 (1961)
- Griffis v. State, 68 S.D. 360, 2 N.W.2d 666 (1942)
- Mullen v. Dwight, 42 S.D. 171, 173 N.W. 645 (1919)
- Bickner v. Raymond Township, 2008 SD 27, 747 N.W.2d 668
- King v. Landguth, 2007 SD 2, 726 N.W.2d 603
- Wulf v. Senst, 2003 SD 105, 669 N.W.2d 135
- Bego v. Gordon, 407 N.W.2d 801 (S.D. 1987)
- Hansen v. South Dakota Department of Transportation, 1998 SD 109, 584 N.W.2d 881
- Casazza v. State, 2000 SD 120, 616 N.W.2d 872
- State v. Ruth, 9 S.D. 84, 68 N.W. 189 (1896)
- Fritz v. Howard Township, 1997 SD 122, 570 N.W.2d 240
- Kiel v. DeSmet Township, 90 S.D. 492, 242 N.W.2d 153 (1976)
- Discover Bank v. Stanley, 2008 SD 111, 757 N.W.2d 756
- Kirlin v. Halverson, 2008 SD 107, 758 N.W.2d 436
- Hohm v. City of Rapid City, 2008 SD 65, 753 N.W.2d 895
- State Auto Insurance Companies v. B.N.C., 2005 SD 89, 702 N.W.2d 379
- Bailey v. Lawrence County, 5 S.D. 393, 59 N.W. 219 (1894)
- Gulbranson v. Flandreau Township, 458 N.W.2d 361 (S.D. 1990)
- Zens v. Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 386 N.W.2d 475 (S.D. 1986)
- Unruh v. Davison County, 2008 SD 9, 744 N.W.2d 839
- Sisney v. Reisch, 2008 SD 72, 754 N.W.2d 813