

SUPREME COURT OF TENNESSEE

Kenneth E. King v. Anderson County, Tennessee

King · No. E2012-00386-SC-R11-CV · Decided November 21, 2013

SUMMARY

The Tennessee Supreme Court considers whether an assault on an inmate by another inmate was reasonably foreseeable for purposes of proximate cause in a negligence action against Anderson County. The Court holds that the injuries resulting from the plaintiff's delayed release were not reasonably foreseeable and that the County is not liable for that breach, while preserving the statutorily required payment of medical bills. The court vacates the damages award in part, reverses in part, and remands for dismissal.

CASE DETAILS

COURT	Supreme Court of Tennessee
WRITING FOR THE COURT	Cornelia A. Clark; Janice M. Holder; William C. Koch, Jr.; Sharon G. Lee
JURISDICTION	Tennessee
DECIDED	November 21, 2013
DOCKET	E2012-00386-SC-R11-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Anderson County appealed by permission under Tennessee Rule of Appellate Procedure 11 from the Court of Appeals' affirmance of a bench-trial judgment imposing negligence liability and damages. The Tennessee Supreme Court reviewed whether the County's negligent delay in releasing King proximately caused injuries from an inmate-on-inmate assault.
STANDARD OF REVIEW	In a nonjury civil case, factual findings are presumed correct unless the evidence preponderates otherwise. Proximate causation is a question of fact reviewed under Tennessee Rule of Appellate Procedure 13(d). Trial-court credibility determinations receive considerable deference and will not be second-guessed absent clear and convincing evidence to the contrary.
PRECEDENTIAL VALUE	Published Tennessee Supreme Court opinion; precedential.
PARTIES	Anderson County, Tennessee v. Kenneth E. King

TOPICS

proximate cause

negligence

municipal liability

appellate procedure

standard of review

PRACTICE AREAS

negligence

municipal liability

premises and custodial liability

appellate procedure

QUESTIONS PRESENTED

1. Whether an inmate-on-inmate assault is reasonably foreseeable for purposes of proximate cause merely because a penal institution houses dangerous individuals.
2. Whether the evidence established proximate cause between Anderson County's negligent delay in releasing King and the injuries he suffered in the assault.
3. Whether Anderson County remained statutorily responsible for paying King's medical bills despite the reversal of tort liability.

HOLDINGS

1. The County is not liable for King's injuries because the assault was not a reasonably foreseeable probability. A penal institution's housing of dangerous individuals, without more, does not establish proximate cause for an inmate-on-inmate assault.
2. Jails and prisons are not insurers of inmate safety and are not strictly liable for all injuries inmates suffer while in custody.
3. The reversal of tort liability does not eliminate Anderson County's statutory obligation to pay the medical bills King incurred from injuries suffered while in custody.

KEY QUOTATIONS

"Proximate cause puts a limit on the causal chain, such that, even though the plaintiff's injury would not have happened but for the defendants' breach, defendants will not be held liable for injuries that were not substantially caused by their conduct or were not reasonably foreseeable results of their conduct." (-15-)

"To hold otherwise would be to suggest that jails and prisons are in effect strictly liable for all inmate injuries incurred while in custody, a position that would be untenable in practice." (-16-)

"The critical factor in distinguishing between vigilance and prescience is foreseeability, the third element in the proximate cause analysis." (-17-)

"Because the jail had no prior notice that an attack on Mr. King was a reasonably foreseeable probability, Anderson County is not liable." (-19-)

FACTUAL BACKGROUND

King was arrested for driving on a suspended or revoked license and booked into the Anderson County Detention Facility. He was classified as a pretrial misdemeanor and housed in a medium-security unit with other inmates, including Brandon Paul, without any known prior institutional violence, threats, or reported enemies.

After a court ordered King's pretrial release, a delay of approximately three hours and forty-five minutes occurred before the release paperwork was processed, and King was returned to the same cell while awaiting release. During that period, Paul and other inmates assaulted King, causing a fractured nose, severe right-eye damage requiring surgery, and permanent double vision.

PROCEDURAL HISTORY

King sued Anderson County in the Anderson County Circuit Court under the Tennessee Governmental Tort Liability Act and also asserted federal claims under 42 U.S.C. § 1983. The federal court remanded the state-law claims to the circuit court while retaining the federal claims. After a bench trial, the circuit court found the County negligent for failing to release King timely, awarded \$170,000 in damages excluding medical expenses, apportioned 55% fault to the County and 45% to King, and ordered payment of medical bills. The Court of Appeals affirmed and additionally found proximate cause. The Tennessee Supreme Court granted permission to appeal, reversed the liability judgment, vacated the damages award except for the statutory medical-bill obligation, and remanded for dismissal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the trial court for dismissal. The \$170,000 damages award is vacated, but the order requiring Anderson County to pay King's medical bills under Tennessee Code Annotated section 41-4-115(a) is affirmed.

CASES CITED

- Hughes v. Metro. Gov't of Nashville and Davidson Cnty., 340 S.W.3d 352, 359-60 (Tenn. 2011)
- Wilson v. Americare Sys., Inc., 397 S.W.3d 552, 559 (Tenn. 2013)
- Lovlace v. Copley, 2013 WL 4773078, at *10, ___ S.W.3d ___ (Tenn. 2013)
- Morrison v. Allen, 338 S.W.3d 417, 426 (Tenn. 2011)
- Allstate Ins. Co. v. Tarrant, 363 S.W.3d 508, 515 (Tenn. 2012)
- Giggers, 277 S.W.3d at 364
- Kilpatrick v. Bryant, 868 S.W.2d 594, 598 (Tenn. 1994)
- McClenahan v. Cooley, 806 S.W.2d 767, 774-75 (Tenn. 1991)
- Doe v. Linder Const. Co., Inc., 845 S.W.2d 173, 178, 181 (Tenn. 1992)
- Hale v. Ostrow, 166 S.W.3d 713, 718-19 (Tenn. 2005)
- Rathnow v. Knox Cnty., 209 S.W.3d 629, 633-34 (Tenn. Ct. App. 2006)
- Downs ex rel. Downs v. Bush, 263 S.W.3d 812, 820 (Tenn. 2008)
- West v. E. Tenn. Pioneer Oil Co., 172 S.W.3d 545, 551 (Tenn. 2005)
- Gillespie v. Metro. Gov't, No. 01A01-9109-CV-00317, 1992 WL 9441, at *1, *3 (Tenn. Ct. App. Jan. 24, 1992)

- Harvey v. Dickson Cnty., No. M2007-01793-COA-R3-CV, 2008 WL 2165958, at *1, *4 (Tenn. Ct. App. Feb. 5, 2008)
- Kinningham v. State, No. M2001-00495-COA-R3-CV, 2001 WL 1089501, at *2-3 (Tenn. Ct. App. Sept. 18, 2001)
- Hanks v. State, No. 02A01-9810-BC-00295, 1999 WL 454459, at *1, *3-4 (Tenn. Ct. App. July 2, 1999)
- Cockrum v. State, 843 S.W.2d 433, 438 (Tenn. Ct. App. 1992)
- Cooney v. Hooks, 535 N.W.2d 609, 611-12 (Minn. 1995)
- Butler ex rel. Biller v. Bayer, 168 P.3d 1055, 1058, 1064 (Nev. 2007)
- Sanchez v. State, 784 N.E.2d 675, 678, 685 (N.Y. 2002)
- King v. Anderson County, No. E2012-00386-COA-R3-CV, 2012 WL 5960838, at *5-6 (Tenn. Ct. App. Nov. 29, 2012)