

SUPREME COURT OF THE STATE OF MONTANA

Eklund v. Trost

2006 MT 333 (2006) · No. No. 04-780 · Decided December 14, 2006

SUMMARY

The Montana Supreme Court reviews negligence claims arising from a police pursuit that resulted in injuries to Donald Eklund. The court addresses quasi-judicial immunity for a juvenile probation officer and county employers, the public duty doctrine and statutory duties applicable to pursuing law enforcement officers, and bifurcation of trial proceedings following a settlement. The court affirms in part, reverses in part, and remands for further proceedings.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Jim Rice; Patricia Cotter; W. William Leaphart; Brian Morris; John Warner
JURISDICTION	Montana
DECIDED	December 14, 2006
DOCKET	No. 04-780
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed from orders granting summary judgment to several defendants and from the district court's decision to bifurcate the jury trial against Yellowstone County and the Yellowstone County Youth Services Center. Several defendants cross-appealed.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. A decision to bifurcate a trial under Montana Rule of Civil Procedure 42(b) is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.
PARTIES	Donald S. Eklund v. Roy Trost, Lynne Hamilton, Custodian for Roy Trost, Carl Moody, Wheatland County, Steve Riveland, Sheriff of Wheatland County, Yellowstone County, Yellowstone County Youth Service Center, Donna Marmon, Juvenile Probation Officer, Golden Valley County, Meagher County, Musselshell County

TOPICS

municipal liability

duty of care

negligence

appellate procedure

statutory interpretation

PRACTICE AREAS

torts

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QUESTIONS PRESENTED

1. Whether the district court properly granted quasi-judicial immunity to Donna Marmon and the counties employing her for the manner in which Marmon completed Trost's youth-services face sheet and transferred him to unsecured shelter care.
2. Whether Sheriff Steve Riveland and Wheatland County owed Eklund a duty of care notwithstanding the public duty doctrine, and whether Trost's conduct was an intervening superseding cause as a matter of law.
3. Whether the district court abused its discretion by bifurcating the liability and damages phases of the jury trial after allowing Eklund to introduce evidence of his settlement with Trost.
4. Whether Eklund's additional evidentiary and constitutional challenges concerning the Yellowstone County trial should be reviewed after the jury found Yellowstone County not negligent.

HOLDINGS

1. Marmon's completion of Trost's youth-services face sheet was a discretionary, quasi-judicial act, not a ministerial act mandated by statute. The district court therefore properly granted summary judgment to Marmon on the basis of quasi-judicial immunity, and the immunity likewise supported judgment for her employer counties.
2. Section 61-8-107, MCA (2003), created a special relationship between pursuing law-enforcement officers and persons using the streets and highways, including Eklund. The public duty doctrine therefore did not bar Eklund's claim, and the officers owed him a duty of care under the circumstances.
3. Eklund was a foreseeable plaintiff because he was a person using the streets and highways within the scope of the risk created by the pursuit. Whether Trost's conduct was an unforeseeable intervening superseding cause, or whether the officers' conduct foreseeably and substantially caused Eklund's injuries, presented factual questions for a jury rather than issues properly resolved by summary judgment.
4. The district court did not abuse its discretion by bifurcating the liability and damages phases of the trial after admitting evidence of Eklund's settlement with Trost and Trost's mother. The bifurcation reasonably addressed potential prejudice and trial convenience.
5. The court declined to review Eklund's additional evidentiary and constitutional challenges because the jury's finding that Yellowstone County and the Youth Services Center were not negligent rendered those issues moot.

KEY QUOTATIONS

“The primary difference between quasi-judicial functions and ministerial or administrative functions is that quasi-judicial functions involve the exercise of the actor’s discretion, whereas administrative or ministerial functions are performed without the exercise of discretion.” (¶ 23)

“Evident from the statute is that while police officers and authorized emergency personnel may have authority to ignore certain laws of the road under limited circumstances, they nevertheless have a duty to drive safely under the circumstances of a pursuit.” (¶ 36)

“Here, whether Eklund’s injuries were caused primarily by Trost or by police is an issue a jury will need to resolve.” (¶ 46)

FACTUAL BACKGROUND

Roy Trost, a juvenile probationer housed at the Yellowstone County Youth Services Center, was transferred from secure detention to an unsecured shelter-care wing at the discretion of his probation officer, Donna Marmon. Trost later escaped, stole his grandfather's pickup truck, and was pursued by Wheatland County officers at high speed through Harlowton. Trost lost control of the truck and struck Donald Eklund, causing serious injuries. The pursuit policy called for a roadblock and avoidance of endangerment when the vehicle could not be identified and continued unsafely, but no roadblock was requested.

PROCEDURAL HISTORY

Eklund sued the driver of a stolen vehicle, the driver's mother, law-enforcement officials, juvenile-services personnel, and several counties after he was injured during a high-speed police pursuit. The district court granted summary judgment to Donna Marmon and the counties employing her, as well as to Wheatland County and Sheriff Steve Riveland; it denied Yellowstone County's motion for summary judgment. After a jury found Yellowstone County not negligent, the district court's rulings were appealed. The Montana Supreme Court affirmed in part, reversed in part, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court was directed to conduct further proceedings concerning Wheatland County and Sheriff Riveland, including trial on breach of duty, causation, intervening cause, and damages.

CASES CITED

- Abraham v. Nelson, 2002 MT 94, 309 Mont. 366, 46 P.3d 628
- Steer, Inc. v. Department of Revenue, 245 Mont. 470, 803 P.2d 601 (1990)
- Schmidt v. Washington Contractors Group, 1998 MT 194, 290 Mont. 276, 964 P.2d 34
- Newville v. State, Department of Family Services, 267 Mont. 237, 883 P.2d 793 (1994)
- Trout v. Bennett, 252 Mont. 416, 830 P.2d 81 (1992)

- State v. District Court, 246 Mont. 225, 805 P.2d 1272 (1990)
- Koppen v. Board of Medical Examiners, 233 Mont. 214, 759 P.2d 173 (1988)
- State ex rel. Lee v. Montana Livestock Sanitary Board, 135 Mont. 202, 339 P.2d 487 (1959)
- Massee v. Thompson, 2004 MT 121, 321 Mont. 210, 90 P.3d 394
- Nelson v. Driscoll, 1999 MT 193, 295 Mont. 363, 983 P.2d 972
- Lopez v. Great Falls Pre-Release Services, 1999 MT 199, 295 Mont. 416, 986 P.2d 1081
- Phillips v. City of Billings, 233 Mont. 249, 758 P.2d 772 (1988)
- Day v. State, 980 P.2d 1171 (Utah 1999)
- Prindel v. Ravalli County, 2006 MT 62, 331 Mont. 338, 133 P.3d 165
- Stenberg v. Neel, 188 Mont. 333, 613 P.2d 1007 (1980)
- Busta v. Columbus Hospital Corp., 276 Mont. 342, 916 P.2d 122 (1996)
- Palsgraf v. Long Island Railroad Co., 162 N.E. 99 (N.Y. 1928)
- Ekwortzel v. Parker, 156 Mont. 477, 482 P.2d 559 (1971)
- Henricksen v. State, 2004 MT 20, 319 Mont. 307, 84 P.3d 38
- Malta Public School District v. 17th Judicial District, 283 Mont. 46, 938 P.2d 1335 (1997)
- Pula v. State, 2002 MT 9, 308 Mont. 122, 40 P.3d 364
- Shamrock Motors, Inc. v. Ford Motor Co., 1999 MT 21, 293 Mont. 188, 974 P.2d 1150
- Skinner v. Lewis and Clark, 1999 MT 106, 294 Mont. 310, 980 P.2d 1049

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