

COURT OF APPEALS OF UTAH

Mohamed Osman Abdelgader, Mariam Hamid, and Dina Luka v.
Utah Department of Transportation

2026 UT App 50 · No. No. 20240638-CA · Decided April 2, 2026

SUMMARY

The Utah Court of Appeals affirmed summary judgment for the Utah Department of Transportation in a wrongful-death action arising from a commercial truck accident. The court held that UDOT's decisions regarding highway design and the allocation of Highway Safety Improvement Program funds for truck safety features were discretionary governmental functions protected by the Governmental Immunity Act of Utah. Because governmental immunity was dispositive, the court did not address the exclusion of the Estate's expert or the sufficiency of its negligence claim.

CASE DETAILS

COURT	Court of Appeals of Utah
WRITING FOR THE COURT	Michele M. Christiansen Forster; Ryan M. Harris; John D. Luthy
JURISDICTION	Utah Court of Appeals
DECIDED	April 2, 2026
DOCKET	No. 20240638-CA
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Estate appealed the district court's grant of summary judgment to the Utah Department of Transportation in a wrongful-death action, asserting that the Department's decisions regarding truck-safety features were operational rather than discretionary and therefore not protected by governmental immunity.
STANDARD OF REVIEW	Summary judgment and the district court's legal conclusions are reviewed for correctness. Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Mohamed Osman Abdelgader, Mariam Hamid, Dina Luka, The Estate v. Utah Department of Transportation

TOPICS

wrongful death negligence municipal liability standard of review appellate procedure

PRACTICE AREAS

governmental immunity wrongful death highway safety summary judgment appellate procedure

QUESTIONS PRESENTED

1. Whether UDOT's decisions concerning the inclusion or omission of additional truck-safety features during the highway project and through later HSIP funding decisions were discretionary functions protected by governmental immunity.
2. Whether the Estate could avoid discretionary-function immunity by characterizing UDOT's failure to collect and analyze additional truck-crash data as an operational omission.

HOLDINGS

1. UDOT's decisions about whether to include additional truck-safety features during the highway project and whether to fund such features through the HSIP were discretionary governmental decisions protected by the discretionary-function exception to Utah governmental immunity.
2. A plaintiff may not defeat discretionary-function immunity by parsing a broader policy-based decision-making process into allegedly operational components such as data collection or crash analysis when the ultimate decision is discretionary.

KEY QUOTATIONS

“Where the ultimate decision is grounded in policy, discretionary function immunity is not defeated merely because a component or potential component of the decision-making process could have been included or conducted differently.” (2026 UT App 50, ¶ 31)

“As long as the highway’s design meets basic safety standards, UDOT’s decisions regarding inclusion of additional truck safety features on the highway are discretionary decisions entitled to immunity under the Act.” (2026 UT App 50, ¶ 40)

FACTUAL BACKGROUND

Ahmed Abdelgader, a commercial truck driver, suffered brake fade while descending Logan Canyon on US-89, could not stop at the intersection with SR-30, and died after the trailer overturned and struck a building. UDOT had designed and planned the Summit to Garden City Project through an environmental-impact and multi-agency process, and the final design did not include a runaway truck ramp because UDOT's safety division found no indication that one was needed based on available crash data. After the project, UDOT used a multi-step Highway Safety Improvement Program process to identify, analyze, prioritize, and fund safety projects, but no potential truck-safety project for the relevant highway was identified or analyzed before the 2018 accident.

PROCEDURAL HISTORY

After Abdelgader died in a highway truck accident, the Estate filed a wrongful-death action against UDOT. UDOT moved for summary judgment based on governmental immunity and the Estate's inability to establish breach and causation. The district court excluded the Estate's engineering expert, denied the Estate's Rule 59 motion, and granted UDOT summary judgment, concluding that the challenged safety-feature decisions were discretionary acts immune under the Governmental Immunity Act of Utah. The Court of Appeals affirmed on governmental-immunity grounds and did not reach the expert-exclusion or prima facie-negligence issues.

DISPOSITION

affirmed

CASES CITED

- Genesis Aggregates B, LLC v. Toll Southwest LLC, 2025 UT 28, 574 P.3d 87
- Doutre v. Box Elder County, 2024 UT App 58, 548 P.3d 914, cert. denied, 554 P.3d 1096 (Utah 2024)
- R.O.A. General Inc. v. Salt Lake City Corp., 2022 UT App 141, 525 P.3d 100
- Kerr v. City of Salt Lake, 2013 UT 75, 322 P.3d 669
- Keegan v. State, 896 P.2d 618 (Utah 1995)
- Johnson v. Utah Department of Transportation, 2006 UT 15, 133 P.3d 402
- Little v. Utah State Division of Family Services, 667 P.2d 49 (Utah 1983)
- Jenson v. Scribner, 789 P.2d 306 (Wash. Ct. App. 1990)