

SUPREME COURT OF NORTH CAROLINA

Multiple v. North Carolina Department of Health & Human Services,
361 N.C. 372

646 S.E.2d 492 (2007) · Decided June 28, 2007

SUMMARY

The North Carolina Supreme Court held that the public duty doctrine did not bar negligence claims against the North Carolina Department of Health and Human Services arising from a fire at a county jail. The court concluded that a special relationship existed because state statutes and regulations imposed mandatory inspection and fire-safety duties for the protection of inmates, a particular class of individuals unable to protect themselves. The court modified and affirmed the Court of Appeals decision upholding denial of the Department’s motion to dismiss.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Timmons-Goodson, Justice; Brady; Goodson; Parker; Timmons-Goodson
JURISDICTION	North Carolina
DECIDED	June 28, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of the defendant's North Carolina Rules of Civil Procedure 12(b)(6) motion to dismiss negligence claims under the Tort Claims Act on public-duty-doctrine and sovereign-immunity grounds.
STANDARD OF REVIEW	On review of a denial of a Rule 12(b)(6) motion to dismiss, the court treats the factual allegations in the affidavits of claim as true and determines whether the allegations state a claim upon which relief can be granted.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	North Carolina Department of Health & Human Services v. Multiple plaintiffs, including O.M. Ledford, Jr. and the administrators of the estates of Jason Jack Boston, Mark Halen Thomas, Jesse Allen Davis, and Danny Mark Johnson

TOPICS

duty of care

negligence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the public duty doctrine bars negligence claims against DHHS based on its statutory duty to inspect local confinement facilities.
2. Whether the special relationship exception to the public duty doctrine applies when statutes and regulations impose mandatory inspection and fire-safety obligations for the benefit of inmates confined in local jails.
3. Whether plaintiffs' allegations were sufficient to survive DHHS's Rule 12(b)(6) motion to dismiss.

HOLDINGS

1. The public duty doctrine does not bar the plaintiffs' negligence claims because the allegations support application of the special relationship exception.
2. The statutory and regulatory duties imposed on DHHS create a special relationship because they require mandatory inspections and responses concerning fire-safety compliance for the protection of inmates.
3. The special relationship exception also applies because inmates are in custody and necessarily have limited ability to protect themselves from dangers such as fire.

KEY QUOTATIONS

“Because we conclude that the special relationship exception to the public duty doctrine applies, we hold that plaintiffs may pursue their negligence claims against DHHS.” (373)

“Thus, a special relationship exists between DHHS and the inmates because DHHS has a statutory duty to inspect jails to ensure their compliance with minimum standards for fire safety.” (378)

“Because plaintiffs have properly alleged facts that establish the existence of a special relationship between DHHS and the inmates, we hold that the special relationship exception to the public duty doctrine applies in the instant case.” (379)

FACTUAL BACKGROUND

A fire at the Mitchell County jail on May 3, 2002, killed four inmates and seriously injured O.M. Ledford, Jr. Plaintiffs alleged that DHHS and its employee negligently or wantonly performed statutory duties to inspect the jail, ensure compliance with regulations, and ensure that fire-safety devices and procedures were operational. Plaintiffs further alleged that DHHS failed to train its employee properly and that a special relationship and special duty existed because the inmates were confined and unable to protect themselves.

PROCEDURAL HISTORY

Plaintiffs filed individual Tort Claims Act claims arising from the Mitchell County jail fire, and the Industrial Commission consolidated the claims. A deputy commissioner denied DHHS's Rule 12(b)(6) motion to dismiss, and the Industrial Commission affirmed. The Court of Appeals affirmed in a divided opinion, and the Supreme Court of North Carolina modified and affirmed the Court of Appeals decision.

DISPOSITION

affirmed

CASES CITED

- Hunt v. North Carolina Department of Labor, 348 N.C. 192, 499 S.E.2d 747 (1998)
- Cage v. Colonial Building Co. of Raleigh, 337 N.C. 682, 448 S.E.2d 115 (1994)
- Braswell v. Braswell, 330 N.C. 363, 410 S.E.2d 897 (1991)
- Coleman v. Cooper, 89 N.C. App. 188, 366 S.E.2d 2 (1988)
- Meyer v. Walls, 347 N.C. 97, 489 S.E.2d 880 (1997)
- Stone v. North Carolina Department of Labor, 347 N.C. 473, 495 S.E.2d 711 (1997)
- Myers v. McGrady, 360 N.C. 460, 628 S.E.2d 761 (2006)
- State v. Johnson, 298 N.C. 355, 259 S.E.2d 752 (1979)
- State Farm Mutual Automobile Insurance Co. v. Fortin, 350 N.C. 264, 513 S.E.2d 782 (1999)
- Pearson v. Nationwide Mutual Insurance Co., 325 N.C. 246, 382 S.E.2d 745 (1989)
- Estelle v. Gamble, 429 U.S. 97 (1976)
- Spicer v. Williamson, 191 N.C. 487, 132 S.E. 291 (1926)
- Medley v. North Carolina Department of Correction, 330 N.C. 837, 412 S.E.2d 654 (1992)
- Wilson v. Nepstad, 282 N.W.2d 664 (Iowa 1979)
- Cracraft v. City of St. Louis Park, 279 N.W.2d 80 (Minn. 1979)
- McCorkell v. City of Northfield, 266 Minn. 267, 123 N.W.2d 367 (1963)
- Halvorson v. Dahl, 89 Wash. 2d 673, 574 P.2d 1190 (1978)

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