

COURT OF APPEALS OF MARYLAND

Muthukumarana v. Montgomery County, 370 Md. 447

805 A.2d 372 (2002) · No. Nos. 83, 84, Sept. Term, 2001 · Decided August 26, 2002

SUMMARY

The Maryland Court of Appeals considered whether 911 operators, dispatchers, and emergency communications managers owe individual tort duties to persons needing emergency services. The court addressed public official immunity, the Good Samaritan doctrine, and the special-relationship test in consolidated cases involving a domestic-violence 911 call and a delayed response to an emergency report. It also discussed the standards of review for dismissal and summary judgment.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Harrell, J.; Bell, C.J.; Eldridge, J.; Raker, J.; Wilner, J.; Cathell, J.; Battaglia, J.
JURISDICTION	Maryland
DECIDED	August 26, 2002
DOCKET	Nos. 83, 84, Sept. Term, 2001
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated review of two cases involving negligence claims against 911 personnel and local governmental entities. In Muthukumarana, the Circuit Court for Montgomery County granted a 911 operator's motion for summary judgment. In Fried, the Circuit Court for Harford County dismissed claims against a dispatcher and emergency-operations manager, and the Court of Special Appeals affirmed. The Court of Appeals of Maryland granted or issued writs of certiorari and consolidated the cases for decision.
STANDARD OF REVIEW	Summary judgment is reviewed de novo to determine whether the trial court was legally correct when no genuine dispute of material fact exists. The existence of a legal duty is a question of law. Because matters outside the complaint were presented and not excluded in Fried, the motion to dismiss was treated as a motion for summary judgment.
PRECEDENTIAL VALUE	Published Maryland Court of Appeals opinion; precedential.

PARTIES

Sriyani Muthukumarana, Sarah Fried v. Montgomery County, Maryland, Kim Archer, James Terrell, Harford County, Maryland

TOPICS

negligence

municipal liability

summary judgment

motions to dismiss

civil procedure

PRACTICE AREAS

torts

municipal liability

civil procedure

QUESTIONS PRESENTED

1. Whether the existence of a special relationship between 911 personnel and an individual in need of emergency services is a question of law when the material facts are undisputed.
2. Whether a 911 operator or dispatcher qualifies as a public official entitled to Maryland common-law public official immunity.
3. Whether the Good Samaritan doctrine applies to actions taken by 911 operators and dispatchers in the course of their employment.
4. Whether 911 personnel owe an individual private tort duty absent a special relationship, or instead owe only a public duty to aid.
5. Whether the conduct of the 911 personnel in Fried and Muthukumarana established a special relationship or individual tort duty.

HOLDINGS

1. When the material facts are undisputed and reasonable minds could draw only one inference, whether a special relationship exists and whether a legal duty arises are questions of law for the court.
2. 911 operators and dispatchers are not public officials under Maryland's common-law public-official-immunity doctrine and therefore cannot invoke that immunity merely because they perform important governmental duties.
3. The Good Samaritan doctrine, as framed under Restatement (Second) of Torts § 323, does not impose liability on 911 operators or dispatchers for services performed in the course of their employment merely because they receive a salary from their government employer.
4. 911 employees owe a public duty to aid, not an individual private tort duty, unless the plaintiff establishes a special relationship under Maryland's case-by-case test.
5. Neither Archer or Terrell in Fried nor Woodward in Muthukumarana established a special relationship or individual tort duty to the victims. The judgments dismissing or entering summary judgment against the plaintiffs were therefore properly affirmed.

KEY QUOTATIONS

“Pursuant to the public duty doctrine, therefore, a 911 employee generally owes no duty in tort for the negligent performance of his or her duties to an individual in need of emergency telephone services.” (370 Md. at 490-91)

“Under that test, in order for a special relationship between a 911 employee and a person in need of assistance to exist, it must be shown that the 911 employee affirmatively acted to protect or assist the specific individual, or a specific group of individuals like the individual, in need of assistance, thereby often inducing the specific reliance of the individual on the employee.” (370 Md. at 492)

“Although the sequence of events in this case are tragic, there is no indication that Woodward acted negligently in her handling of the relatively brief call.” (370 Md. at 505)

FACTUAL BACKGROUND

In Muthukumarana, the plaintiff called 911 during a domestic-violence incident after her husband struck her and threatened her with a firearm. The operator gathered information concerning the emergency, including the location, the assailant, injuries, and the presence of a weapon, but the husband shot the children and himself before the operator completed the call. In Fried, a caller reported that an intoxicated and apparently incapacitated girl was lying in woods behind townhomes; the dispatcher recorded the location incorrectly as J Court rather than K Court, and responding officers did not find the girl, who later died of hypothermia.

PROCEDURAL HISTORY

Muthukumarana sued a 911 operator and Montgomery County after her husband shot and killed their children during a domestic-violence incident. The circuit court granted summary judgment to the operator, concluding that she was a public official entitled to qualified immunity and that no special relationship existed. Fried sued a dispatcher, an emergency-operations manager, and governmental entities after a teenage girl died of hypothermia following an allegedly mishandled 911 call. The circuit court dismissed claims against the dispatcher and manager, and the Court of Special Appeals affirmed; the Court of Appeals affirmed both judgments.

DISPOSITION

affirmed

CASES CITED

- Ashburn v. Anne Arundel County, 306 Md. 617, 510 A.2d 1078 (1986)
- James v. Prince George's County, 288 Md. 315, 418 A.2d 1173 (1980)
- Duncan v. Koustenis, 260 Md. 98, 271 A.2d 547 (1971)
- Liberto v. Holfeldt, 221 Md. 62, 155 A.2d 698 (1959)
- Valentine v. On Target, Inc., 353 Md. 544, 727 A.2d 947 (1999)
- Tatum v. Gigliotti, 321 Md. 623, 583 A.2d 1062 (1991)
- Fried v. Archer, 139 Md. App. 229, 775 A.2d 430 (2001)
- Restatement (Second) of Torts § 323 (1965)

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