ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY

SANCHEZ, et al. v. MARICOPA COUNTY
CV-24-0013-PR
256 Ariz. 441, 541 P.3d 566 (App. 2023)

PARTIES:

Petitioners: Jacquelin Jamilex Lopez Sanchez, Marlin Lopez Sanchez, Rosario Lopez Sanchez, and Iliana Ofelia Sanchez (individually and as parent/next of kin to minor O.L.) (collectively, "Plaintiffs")

Respondent: Maricopa County (the "County")

FACTS:

In June 2021, Plaintiffs were traveling eastbound on Interstate 10 when a deputy sheriff rear-ended their vehicle. At the time of the accident, the deputy sheriff was an employee of the Maricopa County Sheriff's Office ("MCSO") and was driving a vehicle owned by the County.

In June 2022, Plaintiffs filed a complaint against the County for injuries they sustained in the accident. Plaintiffs alleged that the deputy sheriff was acting within the course and scope of his employment with the County at the time of the accident and that the County was liable under the doctrine of respondeat superior. The deputy sheriff was not named as a defendant in the lawsuit.

The County moved to dismiss Plaintiffs' complaint pursuant to *Fridena v. Maricopa County*, 18 Ariz. App. 527 (1972), arguing that it is not vicariously liable for torts committed by the Maricopa County Sheriff or his deputies. The superior court granted the motion to dismiss, finding that counties are not vicariously liable for the conduct of an elected official whose duties are imposed by state statutes and constitutional provisions. Because the Maricopa County Sheriff's duties are established by statutes, the superior court concluded that the County is not liable for common law torts committed by MCSO. Plaintiffs appealed.

The court of appeals affirmed. Applying *Fridena*, the court found that the County is not vicariously liable for negligent conduct of the Sheriff's employees because the County does not control or supervise these employees in any sense sufficient to give rise to a principal-agent relationship between them. The court noted that plaintiffs in other cases have sought relief for tortious acts of a sheriff's deputies by suing the sheriff. The court then found that county sheriffs, as natural persons, duly elected as constitutional officers acting in official, public capacities, qualify as "public entities" under Arizona's notice of claim statutes. *See* A.R.S. § 12-820(7). Therefore, the County is not the only viable public entity-employer of the deputy sheriff in this case. Finally, the court found that A.R.S. §§ 12-821 and 12-821.01 do not create an independent right for plaintiffs to serve notices of claim on, or to sue, public employees or entities.

ISSUES:

The Arizona Supreme Court granted review as to these rephrased issues:

1. Under the Arizona Claims Act, is a county the "public entity" that employs a "public employee" deputy county sheriff who has negligently caused a motor collision?

2. Did the injured motorists properly file a notice of claim with the county as the "public entity" that employs the deputy county sheriff as a "public employee" in one of its departments, namely, in the office of the county sheriff?