



## News & Trending

PUBLICATIONS & ALERTS

### FOURTH CIRCUIT DENIES APPEAL WHEN THERE ARE GENUINE ISSUES OF FACT ON DEFENDANTS' IMMUNITY DEFENSE

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In an unpublished opinion, the Fourth Circuit considered the defendants' appeal from the denial of their motion for summary judgment based on qualified immunity. *Cooper v. Lipa No. 13-2055* (4th Cir. April 4, 2014). The Court explained that, "[w]hile interlocutory orders generally are not appealable, an order denying a defendant's claim of qualified immunity is immediately appealable under the collateral order doctrine "to the extent that it turns on an issue of law." *Id.*, quoting *Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985).

The Court, citing a 1995 U.S. Supreme Court decision, concluded that when a genuine issue of material fact exists on the qualified immunity defense, then the denial of the motion for summary judgment is not immediately appealable. *Id.*, citing *Johnson v. Jones*, 515 U.S. 304, 311-320 (1995). The Court thus dismissed the defendants' appeal.

**Your eye on the Fourth Circuit and the federal districts in North Carolina**

### PROFESSIONALS

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### PRACTICE AREAS

Corporate and Securities Litigation