

A drawbridge owned, operated, and maintained by a county government malfunctioned. A portion of the drawbridge fell and collided with a boat owned by a man who resides in another state. The man filed a lawsuit against the county in a federal district court to recover for the damage caused to his boat. The county has moved to dismiss the suit.

Is the court likely to grant the county's motion?

- A. No.
- B. Yes, because the Eleventh Amendment prohibits suits against county governments in federal court.
- C. Yes, because the Tenth Amendment gives state courts exclusive jurisdiction over suits against state, county, and municipal governments.
- D. Yes, because the U.S. Supreme Court has original and exclusive jurisdiction over suits against governments.

Explanation:

Eleventh Amendment

(state immunity from suit in federal court)

Immunity	<ul style="list-style-type: none">• Suit brought by private party or foreign government• Suit against state official violating state law• Exceptions:<ul style="list-style-type: none">– State consents to suit– Immunity removed by 13th, 14th, or 15th Amendment– State official sued for injunctive or declaratory relief– Damages to be paid by state officer personally (not state treasury)– State official sued for prospective (not retroactive) damages to be paid by state treasury
No immunity	<ul style="list-style-type: none">• Suit brought by United States or other state• Suit against local government (eg, counties, municipalities)• Bankruptcy proceedings

The **Eleventh Amendment prohibits** foreign governments and private parties from **suing a state** in federal court without the state's consent. However, this immunity **does not extend to** actions brought against **local governments** (eg, municipalities, counties). Therefore, the Eleventh Amendment does not apply to the man's suit against the county, and the federal court will likely deny the county's motion to dismiss **(Choice B)**.

(Choice C) The Tenth Amendment reserves to the states all powers that the Constitution does not expressly grant to the federal government. However, it does not give state courts exclusive jurisdiction over suits against state, county, and municipal governments. Instead, state and federal courts have concurrent jurisdiction over such suits.

(Choice D) The U.S. Supreme Court has **original jurisdiction** over cases that affect ambassadors, public ministers, or consuls OR that involve a state as a party (neither seen here). Additionally, the Supreme Court has exclusive jurisdiction over suits between states (also not seen here).

Educational objective:

The Eleventh Amendment bars suits against state governments in federal court. However, this immunity does not extend to suits against local governments (eg, counties, municipalities).

References

- N. Ins. Co. v. Chatham County, 547 U.S. 189, 193–95 (2006) (holding that the Eleventh Amendment does not prohibit suits against local governments).
- 32A Am. Jur. 2d Federal Courts § 918 (2020) (explaining that the Eleventh Amendment does not bar suits against local governments in federal court).

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