

Civil Rights and Municipal Liability



Public and private employers and state and local government bodies and agencies engage us for defense in civil rights matters. We also assist private employers that perform governmental functions, such as healthcare providers under contract to prisons. Our attorneys represent public entities against claims brought under 42 U.S.C. Sections 1981, 1982, 1983, 1985 and 1986 and all employers in Title VII matters. We are experienced litigators and appear before administrative agencies and state and federal courts. Matters we handle include:

- Denial of medical care
- Due process violations
- Excessive force
- First Amendment violations
- Inappropriate student contact
- Title IX claims
- Wrongful convictions

Experience

- Secured summary judgement and won appeal in favor of a municipality under the Recreational Land Use Act and the Tort Claims Act in a death action suit.
- Secured summary judgment in favor of a township and its police department in a suit relating to a motor vehicle pursuit and fatal crash where the court concluded our clients owed no duty to the plaintiff as a matter of law
- Obtained summary judgment, affirmed by the Third Circuit Court of Appeals, of civil rights claims, including Fourth Amendment violation claims based on individual and municipal liability, for a municipality and borough official.
- Obtained dismissal on behalf of a municipal client in a premises liability matter where the plaintiff suffered a spinal compression fracture and concussion.
- Obtained dismissal of civil rights claims, including false arrest and selective prosecution, and RICO violation claim, for police officer in a federal court case.
- Recently secured a Motion for Summary Judgment victory for a municipal defendant in the Court of Common Pleas of Montgomery County. In this tragic case, the decedent, a 21-year-old college student, was at a bonfire with friends on the evening of September 4 and into the morning of September 5, 2014 at the recreational area owned by the municipal defendant. As the decedent stepped away from the bonfire to make a call to her boyfriend on her cell phone, she was tragically killed by a long-dead tree when it fell and struck her in the head. Plaintiffs, the decedent's parents and the Administrators of her Estate, brought a survival and wrongful death suit against the municipality and other defendants, claiming they were negligent in failing to identify and remove the tree.
- In ruling the municipality was entitled to summary judgment in its favor, Judge Jeffrey S. Saltz agreed that it was immune from liability under the Act of February 2, 1996, P.L. No. 586, more commonly known as the Recreational Use of Land and Water Act, 68 P.S. §§ 477-1 to -8. Under the Act and applicable case law, Judge Saltz noted that to qualify for immunity, the land must be largely unimproved; the more developed a property is, the less likely it will receive immunity protection under the Act. In his January 7, 2019 opinion, Judge Saltz reasoned the municipality was immune from liability under the Act because the area where the decedent was killed was, among other things, not developed enough to fall outside the blanket of immunity provided by the Act. Specifically, the Judge found that a staked-out trash barrel, a circle of bonfire stones, and a parking lot near the area where Plaintiff was killed were not significant improvements on the property such that they would disqualify the municipality from immunity under the

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Act.

- Obtained dismissal of civil rights claims, including malicious prosecution, wrongful seizure and excessive force, as well as state law claims, for nonprofit organization and law enforcement officer in two federal court cases.
- Received favorable federal jury verdict when it was decided that police officers who shot a Warminster man in March 2006 did not use excessive force. Three Warminster Township officers and a Warrington Township officer were accused of denying a man his civil rights by shooting him as he ran. The police believed that he possessed a loaded gun. After he was shot, the police discovered he had brandished an unloaded pellet gun. The suit, filed by the man's parents, sought \$3 million in compensatory and punitive damages.