

Bond Case Briefs

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Chamberlain v. City of White Plains

United States District Court, S.D. New York - December 10, 2013 - F.Supp.2d - 2013 WL 6477334

Estate of deceased emotionally disturbed public housing resident brought action against city, public housing authority, and police officers, alleging under § 1983 that officers' use of deadly force against resident was unconstitutional, and asserting related claims under state law. Defendants moved to dismiss for failure to state claim.

The District Court held that:

- Documents attached as exhibits to amended complaint could be considered without converting motion to one for summary judgment;
- Emergency aid doctrine authorized warrantless entry into resident's apartment;
- Sergeant was entitled to qualified immunity from excessive force claim arising from first discharge of stun gun;
- Officer was entitled to qualified immunity from excessive force claim arising from use of beanbag gun;
- Officer was not entitled to qualified immunity from excessive force claim arising from use of lethal force; and
- Estate stated municipal liability claim based on failure to train.