
LIABILITY - NEW YORK

Torres v. Faxton St. Lukes Healthcare

United States District Court, N.D. New York - January 3, 2017 - F.Supp.3d - 2017 WL 24774

Administrators of estates of family who were killed by a family member with mental illness brought separate actions in state court against city, city police department, responding officers, hospital, hospital staff, provider of security services to hospital and security guard, after police officers responded to a violent incident involving family member, transported family member to local hospital for mental health evaluation, and when family member was released several hours later, family member returned home and killed his sister, uncle, and aunt.

On removal to federal district court and following consolidation of the cases, defendants moved to dismiss for failure to state a claim and failure to join an indispensable party.

The District Court held that:

- Police did not have a special relationship with family members;
- Administrators stated § 1983 state-created dangers claims against police department and police officers;
- Administrators sufficiently alleged that police officers' conduct was objectively unreasonable, as would preclude qualified immunity;
- Administrators sufficiently stated § 1983 claims against city under Monell;
- Administrators sufficiently stated negligence claims against police officers;
- Administrators sufficiently alleged that emergency room physician had a duty to control family member to protect third-party family;
- Administrators sufficiently alleged that hospital and staff exercised authority and control over family member; and
- Administrators sufficiently alleged that hospital security guard exercised authority and control over family member.

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