LIABILITY - MONTANA

White v. Flathead County

United States District Court, D. Montana, Missoula Division - July 5, 2023 - F.Supp.3d - 2023 WL 4347648

Arrestee brought § 1983 action against arresting officer, several other unnamed county sheriff's deputies, and county, alleging that arresting officer and other county sheriff's deputies used excessive force when they arrested him, that county was liable under Monell, that defendants violated arrestee's right to privacy under the Montana constitution, that defendants were negligent, and that arresting officer's conduct qualified as assault and battery under Montana law.

Defendants moved for summary judgment on Monell claim, and filed motion in limine seeking to exclude evidence and testimony of ongoing medical damages that purportedly resulted from the alleged constitutional violations.

The District Court held that:

- Arrestee failed to show failure to train as basis for § 1983 *Monell* liability;
- Arrestee failed to show that county ratified arresting officer's alleged constitutional violation by not disciplining him or commenting on his kick to arrestee's head;
- County could not be held liability under § 1983 based on *Monell* via Montana law's imposition of tort liability on governmental entities; and
- Court would decline to exclude expert testimony of arrestee's treating physicians.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com