

# **Bond Case Briefs**

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## **SCHOOLS - PENNSYLVANIA**

### **Moeck v. Pleasant Valley School Dist.**

**United States District Court, M.D. Pennsylvania - November 14, 2013 - F.Supp.2d - 2013 WL 6048131**

Wrestlers, who were brother and sister, brought action against wrestling coach, school district, and school officials under § 1983 and Title IX, asserting claims based on male wrestler's alleged injuries from practice where he wrestled a teammate who outweighed him by 70 pounds, and sexual harassment claims as to female wrestler. School district and officials moved to dismiss complaint.

The District Court held that:

- Male wrestler sufficiently alleged causation based on failure to train policy, as required to state cause of action under § 1983 for vicarious liability of district;
- Issue of whether officials violated male wrestler's substantive due process rights could not be resolved at motion to dismiss stage;
- Male wrestler sufficiently alleged that coach's conduct shocked the conscience, as required to state cause of action under state-created danger theory;
- Male wrestler's right to bodily integrity was clearly established at time of his alleged injury, so officials were not qualifiedly immune from liability for any violation of such right; and
- If female wrestler told principal and vice principal about alleged sexual harassment from coach, then district would have had notice such harassment.