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Bower v. City of Lockport

Supreme Court, Appellate Division, Fourth Department, New York - March 21, 2014 - N.Y.S.2d - 2014 N.Y. Slip Op. 01868

A homeowner's guest brought negligence, battery, and § 1983 excessive force claims against a municipality and police officers, claiming that the officers pushed or failed to prevent him from falling down a flight of stairs. The Supreme Court, Niagara County, denied the defendants' motion for summary judgment. The defendants appealed.

The Supreme Court, Appellate Division, held that:

- The officers did not voluntarily assume a duty of care over the guest;
- The officers were protected by governmental function immunity; and
- There was no evidence that the officers pushed the guest down the stairs.

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